

Subject Matter Code: A Anti-degradation

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Comment ID: CTR-002-010a

Comment Author: Comm. for a Better Environment

Document Type: Environmental Group

State of Origin: CA

Represented Org:

Document Date: 09/24/97

Subject Matter Code: A Anti-degradation

References:

Attachments? Y

CROSS REFERENCES G-02

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Comment: The proposed implementation plan allowing compliance schedules for effluent limits to attain the criteria to be placed in permits may not pass the antidegradation test either. CBE believes EPA recognizes that permit schedules which allow continued impairment of fishing and aquatic life uses are improper (See e.g., section 1311(b)(1)(C), section 1314(l)(1)(D), section 1342(o)(1) and (3) and section 1313(d)(4)(A) of the Clean Water Act). In the alternative case, however, a schedule allowing discharge of these persistent pollutants to waters attaining the criteria will result in the accumulation of pollutants and will degrade water quality. This degradation is unnecessary as the state has accommodated important economic and social development for years while placing compliance schedules in administrative enforcement orders, and is thus impermissible under 40 CFR section 131.12(a)(2). Indeed, existing California dischargers have been made aware of the need to meet similar or more restrictive criteria since at least 1991, and further extension of time for more pollution should be done through schedules in enforcement orders. Any desire to avoid the administrative effort of continuing to prepare these enforcement orders is easily outweighed by the public interests in clean water and public participation afforded.

In sum, EPA's weaker criteria shown in Table 2 do not protect designated uses of water based on sound scientific rationale, and even if this were true for some toxics in some areas of the Bay, the weaker criteria are not necessary to allow important economic or social development. Therefore, revision of water quality standards by adopting these criteria would not meet the tests set forth by 40 CFR section 131.11(a)(1) and section 131.12 and the Clean Water Act provisions these regulations implement. Further, incorporating schedules allowing polluters to harm fishing and aquatic life in water quality standards and effluent limits is improper, and there is no legitimate need for schedules allowing degradation of water quality and restricting public participation to be in permits instead of putting them in administrative enforcement orders as is done today. Thus EPA's proposal may, by failing to provide equal protection for people of color who fish for food and unfairly restricting public participation, also conflict with the Executive Order on environmental justice and civil rights law.

Response to: CTR-002-010a

See legal response to CTR-002-009. EPA disagrees that compliance schedules will prevent antidegradation requirements from being met. First, the antidegradation policy at 40 CFR 131.12 requires, as an absolute minimum, that existing uses (those uses established on or after November 28, 1975) must be fully protected in all waters. Secondly, the antidegradation policy allows some degradation in high quality waters (i.e., those waters whose quality exceeds levels necessary to support fishable/swimmable uses) provided that any such degradation would not reduce water quality to such levels below that needed to maintain the fishable/swimmable uses. Before allowing any degradation in

high quality waters, the State must ensure that all statutory and regulatory requirements for point sources and all cost-effective and reasonable best management practices are achieved. Furthermore, in allowing degradation to high quality waters the State must provide for public participation and intergovernmental coordination in demonstrating that the lowering of water quality is necessary for important economic and social advancements in the area that the discharge is located. Thirdly, no degradation (other than short term or temporary lowering of water quality) is allowed in waters classified as Outstanding National Resource Waters (ONRWs). ONRWs include the highest quality waters in the U. S. Additionally, the ONRW classification offers special protection for waters of "exceptional ecological significance," i.e., those waters that are important, unique, or of ecological importance, but whose water quality, as determined by traditional parameters such as dissolved oxygen or pH, may not be particularly high.

Thus, although EPA notes that there is some degradation allowed to certain waters under the antidegradation policy, EPA believes that a compliance schedule can be complementary to the antidegradation provisions. The Agency has supported reasonable compliance schedules based on new or reviewed water quality standards adopted after July 1, 1977. A compliance schedule will accommodate the practical real world problems in meeting a new effluent limit where it is adequately justified. The whole basis for a compliance schedule is when a facility needs to invest in capitol improvements to install the additional treatment technologies necessary to meet more stringent effluent limitations. Furthermore, EPA is not aware of any specific instances where the State has either allowed any unnecessary degradation or allowed degradation to occur to a degree that is inconsistent with 40 CFR 131.12. Moreover, the commenter did not provide any analysis to demonstrate that antidegradation provisions are not being met or not being appropriately implemented in the State of California. Furthermore, although the antidegradation provisions are essential in maintaining and protecting water quality, those provisions are outside of the scope of today's rule.

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Comment ID: CTR-026-001a

Comment Author: Cal. Department of Fish & Game

Document Type: State Government

State of Origin: CA

Represented Org:

Document Date: 09/25/97

Subject Matter Code: A Anti-degradation

References:

Attachments? N

CROSS REFERENCES C-24e

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#### Comment: 1 . DESIGNATED USES AND ANTIDEGRADATION POLICY

The DFG is concerned with the issues of "designated uses" and an "antidegradation policy" as they apply to the formation of water quality standards. It is our understanding that water quality standards are comprised of, or defined by, three components: 1) designated uses, 2) numeric water quality criteria, and 3) an antidegradation policy. The CTR is not clear on which designated uses are being identified and when they were established. The rule needs to identify what designated uses are being assigned and when these uses were or should be attained. At issue is which uses should be maintained and protected, and what the baseline should be for designating the various beneficial or designated uses for inland freshwater and bay and estuarine waters of the state. We believe that any baseline for applying the antidegradation policy should establish what the quality of the water would have been historically in the absence of human impacts. Under the Porter Cologne Act, the State's primary water quality statute, the

discharge of waste into state waters is not a right but a privilege. Since the discharge of waste is not considered a beneficial use, it should not be permitted in public waters unless it is determined that all beneficial uses, especially publicly entrusted fish and wildlife resources, are fully protected. This is especially true for wetlands throughout the State. The proposed rule is not clear as to when the baseline starts (i.e., historical vs. statutory). The DFG believes that, to the extent practicable, designated uses should be reflective of what has been realized in the past. If the CTR is utilizing a statutory date for which baseline designated uses were identified, then the CTR needs to include a justification for such a date.

With respect to antidegradation, it is not clear whether or not the proposed rule is subject to these requirements. It is our understanding that when a proposed action would allow less stringent criteria than previously proposed or adopted, and if that action would result in more loading of a particular constituent into waters of the State, then an appropriate antidegradation analysis shall be required. It is not clear what process EPA has undertaken to adequately address antidegradation issues related to the proposed new criteria. It may be that the applicability of the antidegradation policies are more pertinent with respect to site-specific criteria that may be included in the final rule. We recommend that the CTR adequately address this issue and apply the antidegradation policy where necessary.

Response to: CTR-026-001a

The scope of today's rule is to establish numeric criteria to bring California into compliance with CWA Section 303(c)(2)(B). Section 303(c)(2)(B) requires adoption of numeric criteria for priority toxic pollutants contained in CWA Section 307(a) for which EPA has issued Section 304(a) criteria guidance and where those pollutants could reasonably be expected to interfere with the designated uses of state waters. In today's action, EPA is relying on the use designations developed by the State of California, the State's existing antidegradation policy, and the criteria promulgated in this action to ensure that adequate water quality standards are in place to protect the waterbodies identified in the State's Regional Basin Plans. The adoption of criteria sufficient to protect designated uses is not an action which in and of itself results in any change in water quality. Thus, antidegradation implementation and baselines for applying the antidegradation policy are outside of the scope of today's rule.

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Comment ID: CTR-029-001

Comment Author: Center for Marine Conservation

Document Type: Environmental Group

State of Origin: CA

Represented Org:

Document Date: 09/25/97

Subject Matter Code: A Anti-degradation

References:

Attachments? N

CROSS REFERENCES

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Comment: The Center for Marine Conservation (CMC) is a nationwide, nonprofit advocacy group dedicated to the conservation and enhancement of coastal and ocean life and resources. CMC submits these comments on behalf of its 16,000 members in California and over 120,000 members nationwide.

CMC applauds EPA's efforts to bring California into compliance with the Clean Water Act section 303(c)(2)(B). Implementing numeric criteria that will protect the beneficial uses of California's waters is

of great importance to the health of coastal and marine ecosystems, and so to CMC and its members. The reliance in many areas of the state on narrative criteria threatens the health of most of the state's waters, thereby impacting both human health and the health of the state's economy that relies on clean water.

While CMC strongly supports the swift adoption of an Enclosed Bays and Estuaries Plan and an Inland Surface Waters Plan that contain numeric criteria for toxic pollutants, CMC also is concerned that many of the specific criteria contained in the proposed rule are weaker than those contained in published guidance. CMC also believes that the proposed rule can better protect certain subpopulations from harm caused by consumption of contaminated fish and shellfish. Finally, CMC is concerned that the economic analysis of the proposed rule over-emphasizes costs and under-reports the many benefits of improving water quality throughout the state. These three points are reviewed below.

#### Use of the Majority of the State's Waters Is Threatened or Impaired by Pollution

Increasing pollution seriously jeopardizes the health of the state's waters. The most recently available data shows that pollution threatens or impairs the use of 98% of California's tidal wetlands, 93% of its bays and harbors, 90% of its estuaries, 88% of its freshwater wetlands, 79% of its lakes and reservoirs, and 74% of its rivers and streams.(\*1)

Where specific toxics data are available, they demonstrate that these contaminants are particularly significant threat to the health of the state's waters. For example, use of 98% of the state's tidal wetlands, 85% of its estuaries, 72% of its freshwater wetlands, 72% of its groundwater, 68% of its bays and harbors, and 52% of its rivers and streams are threatened or impaired by toxic pollutants.(\*2)

Significantly, these figures represent only water bodies whose water quality has been measured. The health of many waters in the state is unknown. For example, the water quality of only 9% of the state's rivers and streams has been assessed.(\*3) Moreover, even when a water body is reported as being "monitored," it may only be tracked for one or a handful of contaminants, leaving its overall health unclear. In other words, the number of water bodies known to be contaminated is only the minimum; actual pollution problems may be far greater.

In light of these statistics, it is imperative that the state move forward swiftly in implementing strong numeric controls on the discharge of toxics into our waterways. It is unacceptable California is the only state in the nation in substantial noncompliance with Clean Water Act section 303(c)(2)(B), and CMC welcomes EPA's extensive efforts in helping California work towards compliance.

These statistics, however, also call for the strongest criteria supportable by science. The significant threats demonstrated by the statistics show that the proposed rule's move backwards from published criteria documents should be viewed with an extremely critical eye.

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(\*1) State Water Resources Control Board, California 305(b) Report on Water Quality, pp. 43-47 (Aug. 1996).

(\*2) Id. at p. 80.

(\*3) Id. at p. 2.

EPA acknowledges that the criteria in the proposed CTR appeared in some instances to be inconsistent with EPA's published criteria recommendations. EPA explained in the preamble to the proposed CTR that EPA's policy has always been to utilize the latest toxicity information in IRIS when evaluating criteria. In this regard, EPA disagrees with the commentor that the criteria in the CTR are inconsistent with published EPA guidance. Since the proposed CTR, EPA has updated its National 304(a) published criteria to include the latest IRIS toxicity values (see 63 FR 68353 published on 12/10/98 and 64 FR 19781 published on 4/22/99). The values in the final CTR are now consistent with EPA's published criteria recommendations.

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Comment ID: CTR-029-002c

Comment Author: Center for Marine Conservation

Document Type: Environmental Group

State of Origin: CA

Represented Org:

Document Date: 09/25/97

Subject Matter Code: A Anti-degradation

References:

Attachments? N

CROSS REFERENCES C-17a

C-17b

C-22

C-27

C-29

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Comment: The Center for Marine Conservation (CMC) is a nationwide, nonprofit advocacy group dedicated to the conservation and enhancement of coastal and ocean life and resources. CMC submits these comments on behalf of its 16,000 members in California and over 120,000 members nationwide.

CMC applauds EPA's efforts to bring California into compliance with the Clean Water Act 303(c)(2)(B). Implementing numeric criteria that will protect the beneficial uses of California's waters is of great importance to the health of coastal and marine ecosystems, and so to CMC and its members. The reliance in many areas of the state on narrative criteria threatens the health of most of the state's waters, thereby impacting both human health and the health of the state's economy that relies on clean water.

While CMC strongly supports the swift adoption of an Enclosed Bays and Estuaries Plan and an Inland Surface Waters Plan that contain numeric criteria for toxic pollutants, CMC also is concerned that many of the specific criteria contained in the proposed rule are weaker than those contained in published guidance. CMC also believes that the proposed rule can better protect certain subpopulations from harm caused by consumption of contaminated fish and shellfish. Finally, CMC is concerned that the economic analysis of the proposed rule over-emphasizes costs and under-reports the many benefits of improving water quality throughout the state. These three points are reviewed below.

**In Light of Significant Threats to Water Quality, the Proposed Rule Should Contain the Most Stringent Criteria That Are Scientifically Defensible**

Many of the criteria in the proposed rule are weaker than criteria in current published guidance. The proposed rule summarily states that the difference between the proposed, weaker criteria and the published guidance documents is "insignificant"(\*4); however, in light of the current contamination

problems in California's waters today, any move backwards, particularly when spread out over the state, must be viewed as significant.

Any weakening of the criteria should be subject to close scrutiny and the most rigorous analysis, which the proposed rule itself does not do. Among other things, the criteria in the proposed rule may be under protective because additive and synergistic effects were not considered; and because the effects on wildlife, which can be particularly significant for bioaccumulative chemicals, were ignored.(\*5) In addition, the proposed rule contains dissolved rather than total recoverable metals criteria, despite the fact that EPA acknowledges that total recoverable metals criteria are "scientifically defensible" and that they are more protective than dissolved metals criteria because they consider "sediment, food-chain effects and other fate-related issues," rather than simply water column impacts.(\*6)

Clean Water Act section 303(c)(2)(B) mandates the development of numeric criteria that will "support such designated uses [that are adopted by the State]." The statistics available on the health of the state's waters indicates that their use already is significantly threatened or impaired by toxics. The strongest criteria supportable by science are necessary to reverse this trend and begin to restore the state's waters.

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(\*4) 62 Fed. Reg. 42159, 42168 (Aug. 5, 1997).

(\*5) Id. at 42168.

(\*6) Id. at 42172.

Response to: CTR-029-002c

See response to CTR-029-001.

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Comment ID: CTR-039-002  
Comment Author: San Francisco BayKeeper  
Document Type: Environmental Group  
State of Origin: CA  
Represented Org:  
Document Date: 09/25/97  
Subject Matter Code: A Anti-degradation  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: EPA should defer to the State's prior technical decisions to establish metals criteria based on total recoverable metals. EPA should defer to the State's prior determinations on dioxin and mercury as well as fish consumption rates. In establishing water quality standards under the federal Clean Water Act, neither EPA nor the States can factor in the anticipated economic burden which may result from implementation of the standards. The standards must be based solely on science and the needs of the beneficial uses established for the particular waters. The only reason that the State's promulgation of many of the requisite criteria in 1991 was overturned in state court was because of a flawed economic analysis pursuant to provisions unique to state law. EPA had approved many of those final criteria as technically sound and within the State's delegated discretion. EPA should not backslide on that prior

determination at this late date but instead should be attempting to close the gap in criteria by deferring to its previous approval.

Response to: CTR-039-002

EPA believes that in promulgating the criteria in today's rule, the Agency is not backsliding on criteria that were previously approved in California. Rather, in taking this action, the Agency intends to establish numeric criteria for priority toxic pollutants as required by CWA Section 303(c)(2)(B) until such time that California can adopt such criteria sufficient to protect the designated uses of the waters that are subject to this rule. The criteria included in today's rule are largely the same criteria that were adopted by the State. However, there are some differences. For example, because the criteria included in today's rule have been updated by EPA to reflect the Agency's latest scientific recommendation, the criteria values may be different from those adopted by State in the Inland Surface Waters Plan and Enclosed Bays and Estuaries Plan. EPA notes that the State, in the future, is not precluded from adopting criteria for total recoverable metals (instead of dissolved), adopting human health criteria that are based on higher fish consumption rates, or from adopting criteria for dioxin that are based on toxicity equivalents since these provisions are viewed as risk management decisions. The basis for EPA's use of metals criteria based on dissolved rather than total recoverable is discussed in the responses CTR-026-004, CTR-039-003a, and CTR-065-005, a record document entitled "Discussion of Use of Dissolved Metals in the CTR," and elsewhere in the record for the rule.

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Comment ID: CTR-039-003b

Comment Author: San Francisco BayKeeper

Document Type: Environmental Group

State of Origin: CA

Represented Org:

Document Date: 09/25/97

Subject Matter Code: A Anti-degradation

References:

Attachments? N

CROSS REFERENCES C-22

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Comment: I . APPLYING DISSOLVED METALS CRITERIA AS PROPOSED VIOLATES THE ANTIDEGRADATION POLICY FOR SAN FRANCISCO BAY AND OTHER WATERS OF THE STATE

The practical effect of EPA's decision to rely on dissolved metals criteria is to allow higher levels of total recoverable metals to be discharged from point sources into San Francisco Bay as well as other waters of the State. Since 1991, many permits in the Bay area and else where have been issued applying the State Water Resources Control Board's technically-based and EPA approved numeric criteria for numerous toxic pollutants. For at least three years, permits throughout the State were required to be issued using the duly-promulgated criteria established by the State Water Resources Control Board ("SWRCB"). After the Sacramento court vacated the criteria on economic grounds, numerous permitting decisions were made by local regional boards and their staffs applying the previously applicable standards using their best professional judgement ("BPJ") in order to assure the protection of beneficial uses. Each of the permitting decisions based directly or deferentially on the SWRCB's criteria would be more stringent than permits for the same parameters authorized by EPA's proposed rule where a discharger opts to follow the Water Effects Ratio protocol for translating the criteria into a permit limit. BayKeeper would

not anticipate that many, if any, dischargers will opt for the default WER of 1.0. Thus, for many regulated dischargers, EPA's proposal will lead to major increases in the total metals they are allowed to discharge into the Bay and other waters of the State. This massive increase in the total pollution proposed to be allowed to be discharged into the Bay and other State waters is completely inconsistent with the State's and EPA's antidegradation policies mandating that existing water quality be maintained and protected. As the State's policy sets forth:

Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.

SWRCB Resolution No. 68-16. Under the federal version of the policy:

[w]here the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development.

40 C.F.R. 131.12(a)(2). The antidegradation policies apply both to permit decisions as well as decisions establishing water quality standards. See, e.g., *In The Matter of the Petition of Remmon C. Fay*, SWRCB Order No. WQ 86-17 (Nov. 20, 1986). In the case of EPA's proposed rule, throughout California the rule, if adopted, will allow more pollution to be discharged than is currently allowed by permits validly issued to numerous dischargers throughout the State without any consideration of the policies, including the intergovernmental coordination and public participation requirements, required by the antidegradation policies.

Of course, in addition to that procedural problem, BayKeeper is opposed to the proposed reliance on dissolved numbers, especially in the Bay area, because it will in fact allow more pollution to be discharged into the State's waters than is currently allowed today and likely will prove detrimental to beneficial uses. See *Comments of Communities For A Better Environment*. BayKeeper also is very concerned about the burdens and uncertainty placed on the public by the need for translators in order to apply the dissolved criteria in permit limits that must be based on total recoverable numbers. As noted above, BayKeeper does not anticipate that many dischargers will opt for EPA's proposed WER default of 1.0. BayKeeper views this proposal as an invitation for dischargers to prepare site-specific limitations based on their own studies which will frustrate the public's ability to participate effectively in the formulation of effluent limits. Further, the proposal will present a moving target for the public to understand and will burden the resources of regional board staff to a degree that may undermine the quality of those site by site determinations.

Response to: CTR-039-003b

See response to CTR-026-004. First, EPA disagrees with the contention that the CTR will result in massive increases in the total pollution allowed in the San Francisco Bay. See response to CTR-002-003 for a detailed response to this same comment.

EPA disagrees that the dissolved criteria will violate California's or EPA's antidegradation provisions contained in 40 CFR 131.12. The use of dissolved criteria in establishing aquatic life criteria for metals



is based on EPA's determination (with widespread support and input from experts in the scientific community) that dissolved metals more accurately approximates the portion of the metals in water that is biologically available to cause toxicity to aquatic organisms.

The antidegradation policy at 40 CFR 131.12 and the State's antidegradation policy ensures full protection of existing uses (those uses established on or after November 28, 1975) and provides a means to assess the impacts of discharges to high quality waters. There is some degradation allowed to high quality waters (see response to CTR-002-010a), provided certain procedures are implemented and certain provisions are met. However, EPA does not support the notion that dissolved metals will violate the antidegradation policy. EPA contends that the use of dissolved metals will provide a greater degree of accuracy in protecting aquatic ecosystems.

Furthermore, the adoption of criteria sufficient to protect designated uses is not an action which in and of itself results in any change in water quality. The implementation of such criteria may raise antidegradation issues in specific instances in the future, but this rule does not.

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Comment ID: CTR-065-002a  
Comment Author: Environmental Health Coalition  
Document Type: Environmental Group  
State of Origin: CA  
Represented Org:  
Document Date: 09/26/97  
Subject Matter Code: A Anti-degradation  
References:  
Attachments? N  
CROSS REFERENCES C-17a  
C-17b

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**Comment: PROPOSED RULE ALLOWS SIGNIFICANT AND UNACCEPTABLE INCREASES IN TOXIC POLLUTANT CONCENTRATIONS IN BAYS AND ESTUARIES**

Our initial review indicates that the proposed criteria for a number of toxic constituents are unacceptably high and will allow more pollution of bays and estuaries by several orders of magnitude. If adopted as proposed, the CTR will allow a 900% increase of dioxin, 140% increase of PCBs, 325% increase of mercury, 2760% increase of zinc, 23,000% increase of lead, and a stunning 430 million % increase for total PAH, some of the most problematic pollutants in San Diego Bay. The CTR only improves (i.e. strengthens) criteria for only 3 of 64 pollutants. This does not square with new studies that show reasons for concern about the synergistic and long-term effects of exposures to these toxic pollutants. In sum, the CTR proposes weaker criteria for 58% of the pollutants and no change for 37% of the criteria. This kind of action will not bring us closer to our goal of cleaner water containing healthier organisms in the future.

Response to: CTR-065-002a

See comment response CTR-065-002b.

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Comment ID: CTRH-001-015  
Comment Author: Greg Karras

Document Type: Public Hearing  
State of Origin: CA  
Represented Org: Comm. for Better Environ.  
Document Date: 09/17/97  
Subject Matter Code: A Anti-degradation  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: Now, I won't go through each of the pollutants one by one here. I want to give some other speakers some time.

But to summarize on the criteria point, EPA's proposal criteria ranges from slightly less to more than a thousand percent weaker than the state's previous proposal for 37 of the 64 pollutants of concern identified by the San Francisco Estuary Project -- that's according to our preliminary analysis -- or 58 percent of these pollutants, as compared with previous EPA-approved state standards.

Time and again, when environmental standards required action to prevent pollution, and this was done right, this resulted in long-term economic benefits rather than costs.

And I have an antidegradation question here: Will EPA allow these pollutants to degrade water quality when your own economic analysis shows no evidence of widespread economic concern?

And our data show that in fact doing it right and preventing pollution could save jobs and provide long-term economic benefits, as well as environmental health benefits.

Response to: CTRH-001-015

See response to CTR-002-010a, CTR-039-003b, and CTR-002-003.

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Subject Matter Code: B Comment Period

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Comment ID: CTR-001-001

Comment Author: Law Offices of Alan C. Waltner

Document Type: Storm Water Auth.

State of Origin: CA

Represented Org: Alameda Cnty Clean Wtr Pgm

Document Date: 09/22/97

Subject Matter Code: B Comment Period

References:

Attachments?

#### CROSS REFERENCES

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Comment: (\*1) As you know, several storm water systems have requested additional time to comment on the proposed rule, a request in which the ACCWP has joined. Additional time is particularly important given the interdependence between the CTR and the recently proposed "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California," ("State Implementation Policy" or "SIP") released by the SWRCB on September 12, 1997, just two weeks before the comment deadline on the CTR. The way in which the CTR is implemented is central to its effects on storm water dischargers, as discussed below. Unfortunately, the State Implementation Policy does not fully correct or moderate the critical problems created by the proposed CTR.

Response to: CTR-001-001

EPA acknowledges that many dischargers have requested a longer comment period than was provided for the proposed CTR. The proposed CTR was published in the Federal Register on August 5, 1997 and the public comment period ended on September 26, 1997. This gave the public an opportunity of 52 days (over 7 weeks) within which to review and draft comments. The document was available through the Internet at EPA's website. EPA believes that this was a reasonable and sufficient time within which to complete a thorough review and to draft and submit comments to the Agency. The proposed CTR was not substantially different from California's prior law or the National Toxics Rule; it proposed to establish water quality criteria for priority toxic pollutants in the State of California and a compliance schedule provision for permits based on the proposed criteria. These provisions were not extensive or new; similar provisions have been in existence for the State of California and elsewhere in the country for many years.

The comment period is intended to provide commenters with a chance to substantively review the merits of the proposed action. For the proposed CTR, EPA expected and received comments on the scientific sufficiency of the criteria values and their underlying derivations, and on the compliance schedule provision. Comments concerning the implementation of the criteria should have been, and were, directed to the State of California. The State had proposed an implementation plan on September 12, 1997, during the public comment period of the proposed CTR. The comment period for the proposed implementation plan ended in December of 1997. The State's plan was also available to the public through the Internet.

Many commenters requested a longer comment period for the proposed CTR, to extend the time within which to review both the proposed CTR and the State's proposed implementation plan. The comment period for the proposed CTR overlapped with the first two weeks of the comment period for the State's

proposed implementation plan. EPA believes this was a reasonable and sufficient time within which to determine and comment on any issues concerning the proposed CTR criteria and compliance schedule provision due to the State's action. Commenters had several additional weeks to thoroughly review and comment on the State's specific implementation provisions in light of the proposed CTR criteria values. Although the CTR criteria and the State's implementation plan are related, the issues for comment are distinctly different and should have been directed to the respective appropriate entity. The CTR proposed water quality criteria which are scientifically-based and do not take economics into account; implementation procedures are not necessary in order to comment on the scientific underpinnings of the proposed water quality criteria.

The CTR and the State's implementation plan were not proposed together; they are separate phases of a comprehensive water quality control plan for the State of California and as such, can be commented on in phases. Both the EPA and the State published economic analyses which looked at the economic impacts of implementation of the respective proposed regulations. EPA's analysis for the proposed rule looked at the potential economic impacts of implementation of the proposed criteria using current State implementation procedures. The State's economic analysis for its proposed plan looked at the economic impacts of specific proposed implementation procedures.

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Comment ID: CTR-002-001

Comment Author: Comm. for a Better Environment

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Document Date: 09/24/97

Subject Matter Code: B Comment Period

References:

Attachments? Y

CROSS REFERENCES

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Comment: Dear Ms. Frankel, Regional Administrator Marcus and Administrator Browner:

CBE believes that adoption of EPA's "California Toxics Rule" as proposed might represent the biggest step backward in toxics policy for San Francisco Bay in the twenty-five year history of the Clean Water Act.

The Rule would allow far more pollution than state water quality standards criteria EPA is trying to replace for most of the toxic pollutants of concern in the Bay. It would allow levels of dioxin compounds, mercury, polycyclic aromatic hydrocarbons, and toxic metals that already harm the fishing public and aquatic life to increase. Despite EPA's admission of soaring cancer risk and other toxic threats to Bay anglers, it would fail to protect people who fish for food unless they eat only starvation rations of one-seventieth of a pound of fish per day. Its dioxin criteria deregulate sixteen of the seventeen most toxic compounds known to science. It ignores proof of mercury bioaccumulation and evidence that its weaker copper criteria allow pollution levels that wiped out aquatic populations. It then proposes a system of "permits to pollute" above even-these inadequate standards for up to ten years. Many of these problems extend state-wide beyond the Bay.

EPA's analysis in the proposed Rule ignores protection of fishing people of color who are disproportionately imperiled by toxic pollution it would allow, and evidence EPA asked us for showing

that stronger rules than EPA'S drive pollution prevention which results in economic benefits to the manufacturing base. The proposed Rule does not appear to comply with federal laws which require protection of public health, fishing and aquatic life and equal protection under the law.

The massive scope of this policy change suggests the need for maximum public involvement. Unfortunately, EPA staff report receiving only one "public" comment to date. We believe that this critically important environmental health decision is not receiving adequate public scrutiny.

Accordingly, we request that EPA extend the comment period for the Rule beyond the present September 26, 1997 deadline, revise the toxics criteria to address the concerns detailed in our enclosed comments, and require present state implementation procedures instead of allowing permit schedules which could grant "permits to pollute."

We have begun to discuss these concerns with EPA staff, and hope to continue this process with you, Regional Administrator Marcus, and Administration environment officials, in order to seek ways in which we can move forward together to solve the serious toxic pollution problems affecting people and aquatic life in San Francisco Bay and throughout California. We propose a meeting at your offices at 2 p.m. or later on Wednesday, October 1, 1997 as a next step in these discussions.

Response to: CTR-002-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001. In response to the comment requesting present state implementation procedures instead of allowing permit schedules as proposed in the CTR, the State's implementation procedures were overturned by a State Courtruling in 1994. Thus, the State does not have a comprehensive set of implementation procedures. Each of the Regional Water Quality Control Boards implements water quality-based effluent limitations based on varying procedures, some of which have been formally adopted and others which have not. The Regional Boards may always implement any State adopted, federally approved water quality criteria through a State adopted, federally approved compliance schedule provision.

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Comment ID: CTR-004-005

Comment Author: South Bayside System Authority

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 09/24/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: As stated above, most of the SBSA's concerns with the CTR, relate to the uncertainty of how the objectives will be implemented in permits. The CTR comment period should be extended to 90 days to allow sufficient time to review the draft implementation policy recently released by the state.

SBSA appreciates the opportunity to comment on the proposed rule. Please call me at (650) 594-8411 ext. 124 if you have any questions regarding the SBSA comments or need any additional information.

Sincerely,

James B. Bewley Manager

Response to: CTR-004-005

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-005-002

Comment Author: Novato Sanitary District

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 09/23/97

Subject Matter Code: B Comment Period

References:

Attachments? Y

CROSS REFERENCES

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Comment: 1. The deadline for submission of comments should be extended at least 60 days. This is necessary to allow a more detailed review of the rule and its impacts on the District, especially in light of the recent release of the Draft State Policy for Implementation of Toxics Standards.

Response to: CTR-005-002

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-007-005

Comment Author: Port of San Diego

Document Type: Port Authority

State of Origin: CA

Represented Org:

Document Date: 09/24/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: 4. It is the District's understanding that the State Water Resources Control Board's ("SWRCB") implementation policy for the CTR will include a policy determination on which criteria will be used in mixing zones i.e. fresh or salt water. If this is indeed the case (which the District does not know because it has not yet received its copy of the implementation policy) then the District requests that the comment period be extended in order to evaluate the CTR with the SWRCB's implementation policy.

Response to: CTR-007-005

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-021-001

Comment Author: LeBoeuf, Lamb, Green & MacRae

Document Type: Local Government

State of Origin: CA

Represented Org: City of Sunnyvale

Document Date: 09/25/97

Subject Matter Code: B Comment Period

References: Letter CTR-021 incorporates by reference letter CTR-035

Attachments? Y

CROSS REFERENCES

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Comment: In particular, Sunnyvale supports CASA/Tri-TAC's request for additional time in which to evaluate the potential impacts of the CTR in conjunction with the implementation plan being proposed by the State of California (the "State Proposal"). Sunnyvale obtained the State Proposal from the Internet as soon as it became available, yet Sunnyvale has had little time to digest the massive proposal and analyze its potential impacts on the implementation of the CTR. We suggest that most other California dischargers are in the same position and we strongly urge the Agency to reconsider its unfair and probably illegal decision to provide only a few days to assess and comment on what amounts to a joint promulgation by EPA and the State.

Response to: CTR-021-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-025-006a

Comment Author: Metro. Water Dist. of So. Cal.

Document Type: Water District

State of Origin: CA

Represented Org:

Document Date: 09/26/97

Subject Matter Code: B Comment Period

References:

Attachments? Y

CROSS REFERENCES C-16

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Comment: Some of the concerns noted above could be addressed through the implementation provisions of the CTR. As you know, the State Water Resources Control Board has just made available for public review the Proposed Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (Proposed ISWP/EBEP Policy), the implementing document for the CTR. Because of the length of the document (several hundred pages) and the fact that it has only

recently become available, there has been insufficient time for thorough review. Yet, this document is crucial to understanding the practical impact of the CTR.

Metropolitan strongly requests that U.S. EPA extend the comment period on the CTR to December 10, 1997, the end of the comment period for the Proposed ISWP/EBEP Policy. This would allow drinking water suppliers and others affected by the CTR to evaluate the CTR in the context of its implementation. Without workable implementation provisions, the operational and economic impacts on drinking water suppliers could be significant and may need to be taken into account in the CTR. If the comment period is not extended, we ask that U.S. EPA fully consider the impacts of the freshwater aquatic life criteria on the operation and maintenance activities of drinking water suppliers and the effect on water reclamation activities and to modify the CTR, as necessary, so that these activities can continue to be undertaken in an economically feasible manner.

The CTR forms the backbone of the water quality regulatory process and Metropolitan urges U.S. EPA to review the proposed criteria in light of regulatory requirements of the California/Federal SDWA and the operating and maintenance requirements of drinking water suppliers. If you have any questions regarding Metropolitan's comments, please feel free to call Marcia Torobin of my staff at (213) 217-7830.

Response to: CTR-025-006a

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001. In response to the comment concerning the CTR's impact on drinking water suppliers, EPA notes that the criteria in the CTR do not impose any cost on anybody or entity. It is only when they are implemented through the State's process that economic impacts may be felt. The CTR's criteria legally apply only to water quality-based effluent limits in NPDES permits. The State on its own accord may apply the water quality criteria in other contexts and/or in other programs, and those applications may cause economic impacts.

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Comment ID: CTR-031-008a

Comment Author: Fresno Metro. Flood Ctrl Dist.

Document Type: Flood Ctrl. District

State of Origin: CA

Represented Org:

Document Date: 09/25/97

Subject Matter Code: B Comment Period

References: Letter CTR-031 incorporates by reference letter CTR-027

Attachments? N

CROSS REFERENCES V

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Comment: d. The proposed CTR and the recently released proposed State Implementation Plan must be fully integrated, internally consistent, and their combined effect thoroughly assessed. However, EPA has allowed only one week of overlap between the proposals for stakeholder review.

The EPA concedes within the proposed CTR that the criteria themselves lack substance without the corresponding implementation measures. EPA also acknowledges that the economic impact of the CTR can not be fully evaluated without consideration of the ISWP. However, the EPA can not simply abdicate its responsibility to assess the impact of its proposal, nor can it expect stakeholders to accept the



proposed CTR without full understanding of its implementation.

All stakeholders require the opportunity to evaluate the proposed CTR and Implementation Plan together as a comprehensive, cohesive body of regulation.

Response to: CTR-031-008a

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-034-001

Comment Author: SCAP

Document Type: Trade Org./Assoc.

State of Origin: CA

Represented Org:

Document Date: 09/25/97

Subject Matter Code: B Comment Period

References: Letter CTR-034 incorporates by reference letter CTR-035

Attachments? N

CROSS REFERENCES

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Comment: The Southern California Alliance of Publicly Owned Treatment Works, or SCAP, is pleased to submit comments to the Environmental Protection Agency (EPA) regarding the Proposed Rule Regarding Water Quality Criteria for Toxic Pollutants for California (known as the California Toxics Rule, or CTR) SCAP's members include 47 public agencies that provide wastewater treatment services in Southern California.(\*1) Collectively, our member agencies serve over 16 million residents of Southern California. Our member agencies range in size from very small to very large, and include wastewater treatment facilities that discharge to inland surface waters, bays and estuaries, and the ocean. Most of our members are also involved in water reclamation activities. We appreciate the opportunity to comment on the proposed California Toxics Rule.

As noted in SCAP's testimony at EPA's public hearing held on September 18, 1997 in Los Angeles, we would like to request that EPA re-open the comment period on the CTR. We would, like the opportunity to more fully review the proposed rule and supporting documentation, and believe that the extra time would afford us the opportunity to develop additional meaningful comments on the proposed regulation and its potential impacts on the POTW community in southern California.

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(\*1) SCAP's members are located in the following counties: Santa Barbara, Ventura, Los Angeles, San Bernardino, Riverside, Orange, and San Diego

Response to: CTR-034-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-035-001

Comment Author: Tri-TAC/CASA  
Document Type: Trade Org./Assoc.  
State of Origin: CA  
Represented Org:  
Document Date: 09/25/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
**CROSS REFERENCES**

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Comment: We are writing on behalf of Tri-TAC and the California Association of Sanitation Agencies (CASA), which are California-based organizations comprised of members from public agencies responsible for wastewater treatment. Tri-TAC is an advisory group which includes representatives from CASA, the California Water Environment Association, and the League of California Cities. CASA is comprised of over 80 agencies responsible for the operation of publicly owned treatment works (POTWs). The constituency base for Tri-TAC and CASA encompasses most of the sewered population of California.

We have reviewed the draft rule containing proposed water quality criteria for toxic pollutants for California ("California Toxics Rule" or "CTR") that was published in the Federal Register on August 5, 1997. We have numerous specific comments on the proposed rule. Our specific comments are contained in two attachments. Attachment 1 contains our comments on specific sections of the draft regulation and the Economic Analysis. Attachment 2 is a critique of the Economic Analysis prepared by M.Cubed, a resource economics consultant to Tri-TAC, CASA, the Southern California Alliance of POTWs (SCAP), and the Bay Area Dischargers Association (BADA). We would like to highlight several priority concerns below.

First, we would like to reiterate our previous requests (see letters of July, 21, 1997 and August 12, 1997) that EPA reopen the comment period for the proposed rule in order to facilitate a more complete review by the public, and in particular, by those in the POTW community. EPA's own analysis shows that POTWs are the sector most affected by the rule (according to the Preamble. POTWs will incur 67 percent or 96 percent of costs under the low and high cost scenarios, respectively) (62 Fed. Reg. 42189). We believe that it is common practice for the Agency to provide 90 days -- or even longer -- for comment periods on proposed rules, particularly if there is no court order dictating a promulgation schedule (and we are not aware of any court decision requiring a specific schedule for promulgation of the CTR). It is our understanding, for instance, that EPA provided a 150-day comment period for the Great Lakes Initiative in 1993.

In addition, as we noted in our previous letters, we understand that EPA and the State Water Resources Control Board (SWRCB) are promulgating the criteria and Statewide Implementation Policies in a collaborative manner. We respectfully request that you provide an extension in order to facilitate a more complete review of the SWRCB's Draft Implementation Policy, which was released on September 12. Because of the impending deadline for comment on the CTR, we have not had time to conduct more than a cursory review of the SWRCB's proposal. Therefore our comments by and large do not take into account the draft Implementation Policy of the SWRCB, which may alter our interpretation of some aspects of the CTR.

Further, we believe that EPA has an obligation under Section 6(a) of Executive Order 12866, which requires all federal agencies, including EPA, to provide a "meaningful opportunity to comment on any

proposed regulation, which in most cases should include a comment period of not less than 60 days." (emphasis added). While we believe that the CTR is a "significant regulatory action," the comment period requirement applies even if EPA does not agree. The Agency is also required under the Unfunded Mandates Reform Act of 1995 (2 U.S.C.A. 1511 et. seq.) to provide "meaningful and timely review" by small governments. Aside from the fact that EPA has not provided the minimum of 60 days on the proposed CTR itself, the State Water Resource Control Board did not make its proposed implementation plan (the "State Proposal") available until September 12 (with effective distribution delayed for several days), which means that the public will have a period of less than two weeks to review the State Proposal, relate its provisions to the proposed CTR and formulate comments. This is obviously an inadequate time period in which to review a package of approximately 200 pages, which contains many proposals on a variety of complex matters which could substantially alter the potential impacts of the CTR.

We believe that the State Proposal is an integral part of the CTR; this belief is supported by the dozens of references to the future exercise of regulatory authority by the State of California scattered throughout the Preamble to the CTR (see, for instance, pp. 42173, 42174, and 42185, as well as numerous references in the Economic Analysis). The EPA even concedes (at p. 42188): "A more precise measure of costs and benefits may not be known until the State adopts its implementation provisions." In short, the CTR may have many significant impacts on the regulated community, the nature of which are dependent upon the contents of the State Proposal, and yet EPA is not willing to give the affected community the time to analyze and comment meaningfully upon the EPA rule, as proposed to be implemented by the State. This is, we believe, a violation of the Executive Order and the Unfunded Mandates Reform Act. We do not believe that EPA can justify its comment deadline by the requirement of Section 303(c)(4) to promulgate the final rule within 90 days after the proposal, since EPA has already signaled its Intention to take longer than 90 days to finalize the rule. EPA thus has no obvious reason to object to allowing additional time for review of the CTR nor has EPA offered any reasonable explanation for its lack of compliance with Executive Order 12866 and the Unfunded Mandates Reform Act.

Response to: CTR-035-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001. In response to the comment concerning the Great Lakes Initiative (GLI), the GLI was a much more complex rulemaking than the CTR. The GLI applied to eight states and promulgated water quality criteria and many implementation procedures. In contrast, the proposed CTR promulgated criteria for only one state and had only one implementation procedure - a compliance schedule provision. The proposed CTR was not substantially different from California's prior law or the National Toxics Rule. Although the GLI comment period may have been substantially longer, the complexity of the rule was much greater, warranting the longer time frame. EPA's usual comment period is 45 days; EPA extended this to over 50 days for the proposed CTR to ensure that a reasonable overlap of time existed with the comment period for the State's proposed implementation plan.

In response to the comment concerning Executive Order (E.O.) 12866 and the Unfunded Mandates Reform Act, each of which discusses comment periods for proposed rulemaking activities, see the preamble to the final rule. EPA believes that over 7 weeks to review and comment on this proposed straightforward and basic water quality rule was adequate, especially because this rule was not substantially different from California's prior law or the National Toxics Rule. Although E.O. 12866 states that in most cases, agencies should afford a comment period of not less than 60 days, in this case, EPA provided 52 days because it thought this period adequate (for reasons stated above) and because EPA had a statutory deadline to promulgate 90 days after proposal.

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Comment ID: CTR-037-004  
Comment Author: Hampton Roads Sanitation Dist.  
Document Type: Sewer Authority  
State of Origin: VA  
Represented Org:  
Document Date: 09/25/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: 4. EPA has not provided sufficient time to review and comment on all of the changes that it is making in various water quality criteria. Only 7 weeks were provided to comment on over 20 different criteria, when EPA is providing almost 9 weeks to comment on one criterion (TBT, Aug. 7 - Oct. 6, 1997). This magnitude of change requires at least a 180 day comment period. Therefore the comment period should be extended, at a minimum, to February 1, 1998.

Response to: CTR-037-004

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-038-001  
Comment Author: Sonoma County Water Agency  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 09/25/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? Y  
CROSS REFERENCES

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Comment: 1. The deadline for submission of comments should be extended at least 60 days. This is necessary to allow a more detailed review of the rule and its impacts on the District, especially in light of the recent release of the Draft State Policy for Implementation of Toxics Standards.

Response to: CTR-038-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-041-001  
Comment Author: Sacramento Reg Cnty Sanit Dist  
Document Type: Sewer Authority

State of Origin: CA  
Represented Org:  
Document Date: 09/25/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N

#### CROSS REFERENCES

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Comment: The Sacramento Regional County Sanitation District (District) appreciates the opportunity to submit these comments on the proposed California Toxics Rule (CTR). The District provides wastewater treatment service to approximately one million people in the Sacramento metropolitan area. The Sacramento Regional Wastewater Treatment Plant (SRWTP) discharges approximately 160 million gallons per day of treated wastewater to the Sacramento River.

Our response has been limited due to the limited comment period. We are also concerned about not having time to analyze the CTR with the State Water Resources Control Board's draft policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California which was released on September 12. It is essential that sufficient time is provided to conduct a detailed review of the CTR and to assess its impact on the draft implementation policy by the State. As we have previously requested, the comment period should be extended.

Response to: CTR-041-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-043-001  
Comment Author: City of Vacaville  
Document Type: Local Government  
State of Origin: CA  
Represented Org:  
Document Date: 09/26/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? Y

#### CROSS REFERENCES

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Comment: Our comments on the proposed CTR are as follows:

1. The deadline for submission of comments should be extended at least 60 days. This is necessary to allow a more detailed review of the rule and its impacts on the City, especially in light of the recent release of the Draft State Policy for Implementation of Toxics Standards.

Response to: CTR-043-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-044-001  
Comment Author: City of Woodland  
Document Type: Local Government  
State of Origin: CA  
Represented Org:  
Document Date: 09/26/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? Y  
CROSS REFERENCES

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Comment: The City of Woodland appreciates the opportunity to submit these comments on the proposed California Toxics Rule (CTR). We would appreciate the opportunity to provide additional comments based on the draft implementation policy recently released by the State. This letter summarizes the comments based on our review to date.

Response to: CTR-044-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-044-002  
Comment Author: City of Woodland  
Document Type: Local Government  
State of Origin: CA  
Represented Org:  
Document Date: 09/26/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? Y  
CROSS REFERENCES

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Comment: We have reviewed the proposed CTR and offer the following comments:

1. The deadline for submission of comments should be extended at least 60 days. This is necessary to allow a more detailed review of the rule and its impacts on the City, especially in light of the recent release of the Draft State Policy for Implementation of Toxics Standards.

Response to: CTR-044-002

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-045-001  
Comment Author: Sausalito-Marín Sanitary Dist.

Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 09/24/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? Y  
CROSS REFERENCES

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Comment: It is requested that the comment period for the California Toxics Rule (CTR) be reopened. An additional sixty days would allow for a more complete review of the impacts on the District as well as facilitating a more complete review by the public. An extension would also enable a more complete review of the State Water Resources Control Board's Draft Implementation Policy, which is not taken into account in the following comments:

Response to: CTR-045-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-049-001  
Comment Author: Watereuse Assoc. of California  
Document Type: Trade Org./Assoc.  
State of Origin: CA  
Represented Org:  
Document Date: 09/24/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: WateReuse believes that the designation of the relatively short comment period proposed of fifty days does not afford a comprehensive and complete public review of the rule. It is our opinion that should a decision be made to reopen and/or extend the public comment period on this subject, USEPA and the rulemaking process will benefit from the additional input of appropriate and valuable information. This would allow for, and include, a more thorough review and coordination of public comment with the lengthy Draft Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California just released by the State Water Resources Control Board (SWRCB) on September 12, 1997. We therefore would request that the comment period for the draft CTR be reopened and/or extended to reflect the weight of this proposed rule, the impact it will have on all statewide stakeholders, and the need for better coordination of comments with the just released draft state plan.

Response to: CTR-049-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-052-001

Comment Author: East Bay Dischargers Authority

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 09/26/97

Subject Matter Code: B Comment Period

References: Letter CTR-052 incorporates by reference letters CTR-035 and CTR-054

Attachments? Y

CROSS REFERENCES

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Comment: The Authority acknowledges the importance of the CTR and the efforts that went into its creation. EPA has taken several years to prepare the CTR, yet has given the public only a 45 day period in which to develop comments. In addition, the State Water Resources Control Board issued its Draft Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (Implementation Plan) on September 12, 1997. The Authority received its copy on September 16, 1997. Thus there has been less than two weeks to review both documents to determine the potential impact on the Authority, its member agencies, and the public which they serve. On July 17, 1997, requested an extension of the public comment period, and that request was denied.

In the short time available to review the CTR and the EA, it has been determined that the CTR, as currently proposed, will have tremendous economic impacts on our ratepayers. In addition, it appears that the EA is so seriously flawed from both a cost and benefit perspective, that EPA's justification for promulgating the CTR is seriously questioned. The CTR and the EA briefly discuss "relief options" for dischargers that will be available through the State. We have been so preoccupied with reviewing the CTR that there has been no opportunity to properly review the Implementation Plan. In view of the cost implications, more time is needed to provide adequate review time for the Implementation Plan as it relates to the CTR and the EA. Therefore, I again repeat my request for EPA to reopen the public comment period. It should be reopened through December 10, 1997 to coincide with the comment period for the Implementation Plan.

Response to: CTR-052-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-052-013

Comment Author: East Bay Dischargers Authority

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 09/26/97

Subject Matter Code: B Comment Period

References: Letter CTR-052 incorporates by reference letters CTR-035 and CTR-054

Attachments? Y

CROSS REFERENCES

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Comment: C. RECOMMENDATIONS FOR MODIFICATIONS TO THE CTR AND EA

Reopen the public comment period to coincide with the comment period for the State Implementation Plan, through at least December 10, 1997.

Response to: CTR-052-013

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-054-001

Comment Author: Bay Area Dischargers Assoc.

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 09/25/97

Subject Matter Code: B Comment Period

References:

Attachments? Y

CROSS REFERENCES

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Comment: The comment period should be extended to 90 days. The rule is critical to California and it is essential that all parties have ample time to review it in detail and to assess its impact based on the draft implementation policy recently released by the State. There is no reason to rush the final version of the rule.

Response to: CTR-054-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-056-001

Comment Author: East Bay Municipal Util. Dist.

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 09/22/97

Subject Matter Code: B Comment Period

References: Letter CTR-056 incorporates by reference letter CTR-054

Attachments? N

CROSS REFERENCES

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Comment: First, like many other agencies submitting public comment, EBMUD requests that EPA give serious consideration to reopening the comment period for the CTR to provide affected dischargers sufficient time to conduct a thorough review of the proposed rule. This is especially of concern to the EBMUD in the context of having to also review the recently published, "Policy for Implementation of

Toxics Standards for Inland Surface Waters and Enclosed Bays, and Estuaries of California" and "Functional Equivalent Document" [September 11, 1997]. For POTWs, the only way to completely evaluate the regulatory and economic impacts of the CTR is to review both documents together. Because of the limited time in which to conduct such a review, and in recognition that EPA has provided extensions for past rulemaking (e.g. a 150-day comment period for the Great Lakes Initiative in 1993), this request is reasonable and will result in a more complete review by the public.

Response to: CTR-056-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001 and CTR-035-001.

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Comment ID: CTR-057-002  
Comment Author: City of Los Angeles  
Document Type: Local Government  
State of Origin: CA  
Represented Org:  
Document Date: 09/26/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: We also wish to emphasize the need for additional time to review the proposed Rule in light of the State Water Resources Control Board's (SWRCB) Draft Implementation Policy for Toxics Standards, which was released for general distribution less than two weeks ago. Because these proposed plans involve complicated issues that may significantly increase our treatment costs, and because we have not had sufficient time to review the State's draft document, we may submit additional comments based on further analysis of the CTR as it relates to the SWRCB's September 12, 1997 draft document.

Response to: CTR-057-002

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-058-002  
Comment Author: Western States Petroleum Assoc  
Document Type: Trade Org./Assoc.  
State of Origin: CA  
Represented Org:  
Document Date: 09/26/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? Y  
CROSS REFERENCES

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Comment: We are also deeply concerned that EPA has given a relatively short comment period on this very lengthy and complex rulemaking. EPA has taken years to develop these rules. We see no reason for EPA's failure to grant an additional 30 days for comments on this important rule since the promulgation and implementation of this proposal is many months away, and considering that stakeholders have had only a few days to obtain and consider the state's implementation policy which is a parallel rulemaking.

Response to: CTR-058-002

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-059-003

Comment Author: Los Angeles County Sanit. Dist

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 09/26/97

Subject Matter Code: B Comment Period

References: Letter CTR-059 incorporates by reference letter CTR-035

Attachments? Y

CROSS REFERENCES

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Comment: The Sanitation Districts would greatly appreciate additional time to review the proposed rule. As discussed above, the rule will clearly have significant impacts on our facilities and on the residents and businesses in our service area, as well as on numerous other POTWs and local governments in California. While EPA has minimized the significance of the rule in its analysis, the bottom line is that the rule will promulgate some 190 water quality criteria for California for about 70 different pollutants. While a few of these criteria have previously been promulgated by EPA through the 1992 National Toxics Rule (NTR), approximately 70 of them have been recalculated, modified, or added by EPA since the 1992 NTR. To adequately review these changes requires a great deal of time and effort, especially since only a few of the changes are discussed in the Preamble and many of the supporting documents cannot be readily accessed outside of EPA. Therefore, the Sanitation Districts respectfully request that EPA provide at least 30 additional days for public review and comment.

Response to: CTR-059-003

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001. In response to the comment concerning records, a complete record of supporting documents is available at the U.S. EPA Region 9 office in San Francisco, and many of the important documents are available at the U.S. EPA Headquarters Office in Washington, D.C. The availability of these documents was published on the first page of the preamble to the proposed CTR.

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Comment ID: CTR-061-004

Comment Author: G. Fred Lee & Associates

Document Type: Academia

State of Origin: CA

Represented Org:

Document Date: 09/25/97

Subject Matter Code: B Comment Period

References:

Attachments? Y

CROSS REFERENCES

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Comment: While I do not know how long it would take the US EPA to conduct the required analyses of the urban stormwater runoff costs and real water quality benefits, it would seem appropriate that taking a few months to accomplish this could, in the long term, represent a time and resource savings in terms of ultimately correcting the significant technical problems that exist today in regulating urban stormwater runoff. I recommend the following:

Urban stormwater dischargers as well as other interested parties should be provided a several-month period during which a preliminary assessment of the potential costs and water quality benefits associated with having to meet CTR criteria as standards in the receiving waters for stormwater runoff of concern to the discharger, is conducted and reported to US EPA Region 9.

The US EPA should take several months to develop an amended draft CTR that provides a reliable economic analysis of costs and potential benefits covering the current regulatory approach for regulating chemical constituents urban stormwater runoff which involves a ratcheting down of BMPS to achieve the ultimate goal of only one exceedance of a water quality standard every three years in the receiving waters for stormwater runoff.

The public should be given a two-month period during which to review and comment on the adequacy of the US EPA's economic analysis of costs and benefits of achieving the currently mandated goal of using CTR criteria as standards for receiving waters for regulated urban stormwater runoff.

Adoption of this approach will send a clear signal to the public that the US EPA is finally willing to meaningfully address the heart of the urban wet-weather runoff water quality management problem. With the Agency's, for the first time, reliably developing information on costs and true water quality benefits, the public, Congress, regulators and the regulated will begin to understand the need to change how urban and highway stormwater runoff is regulated to protect the designated beneficial uses of waterbodies without significant unnecessary expenditures for chemical constituent control.

Response to: CTR-061-004

See response to CTR-013-003.

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Comment ID: CTR-065-001

Comment Author: Environmental Health Coalition

Document Type: Environmental Group

State of Origin: CA

Represented Org:

Document Date: 09/26/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: Environmental Health Coalition (EHC) has not yet fully reviewed the proposed California Toxics Rule (CTR). We were unable to successfully download the document and therefore have not been able to conduct a full- review on the proposed rule in time to meet the comment period deadline. We request additional time to-comment but will make our comments based on limited review today.

Response to: CTR-065-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-066-001

Comment Author: Delta Diablo Sanitation Dist.

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 09/26/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: The District has done its best to stay up-to-date on happenings surrounding the CTR and have attempted to complete our review of the proposed rulemaking. However, given the nature of this rulemaking and the companion pieces currently being pursued by the State Water Resources Control Board, it is practically impossible for us to give you anything more than preliminary comments on the CTR. Extensive work has been done by your agency to fill the void left by the litigation that overturned the State Board's rulemaking, and that has resulted in a significant period of time for both your staff and others to complete this rulemaking. It is our belief that you should allow adequate time for medium-sized agencies such as ours to be able to hire consultants or other technical professionals to assist us in this very important rulemaking. In addition, the information related to the economic analysis associated with this is difficult at best and we have not been able to hire anyone to assist us in completing our evaluation. Consequently, we would request a significant extension of either 90 or 150 days to allow us to complete our analysis. We will also be preparing our NPDES permit renewal request in the next six months and expect that many of the issues that will come out of our review of the CTR will relate directly to our activities on the permit. As a consequence, we would request that this extension in time be allowed for all agencies in the state.

The District fully supports EPA and the State Water Resources Control Board (SWRCB) program to promulgate both the criteria and statewide Implementation Policies in the collaborative manner currently being approached. However, because of the late release of the Implementation Policy by the state, we are not able to have reviewed both that policy and the CTR for conformance and detail. We have only had a short 14 days to complete this analysis and that just has not been adequate to complete the response. We believe that the state's comment period lasting until December, 1997, is far more equitable and reasonable given the substantial nature of the criteria being established. We would further request that EPA and SWRCB give serious consideration to establishing a blue ribbon technical committee to assist with this collaborative effort so that concerns and needs of the regulated community can be thoroughly considered so that there will be broad public acceptance of the results of this most important work.

Response to: CTR-066-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001. In response to the comment concerning the blue ribbon technical committee, the State, during its redrafting process of the implementation plan, convened numerous task force groups with a number of different stakeholder representatives on each task force, to solicit comments and ideas concerning the issues. EPA was fully represented on each task force, and listened to all comments concerning the State's water quality control plans. EPA hopes the commenter had the opportunity to participate in these task force groups.

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Comment ID: CTR-067-001

Comment Author: Ojai Valley Sanitary District

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 09/26/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: Having just completed such a costly time consuming project, OVSD requests that EPA extend the comment period on the CTR. Allowing an extended comment period would provide for a more thorough review of the proposed rule and supporting documentation, and allow OVSD .adequate time to develop specific comments on the rule relative to its impact on our new treatment plant and our residents. In addition, an extended comment period would allow EPA the opportunity to work more closely with the State Water Resources Control Board (SWRCB) in developing simultaneous comment periods and joint final promulgation, since EPA acknowledges that the impacts of the CTR criteria depend greatly on the State's approach to implementation. This would provide the added benefit that a more streamlined and effective CTR and Statewide Implementation Policy be developed, potentially reducing the resistance by dischargers upon promulgation and implementation. Thus, OVSD asks that EPA extend the comment period until December 10, 1997, the SWRCB's public comment deadline, or at a minimum, for 30 (thirty) days.

Response to: CTR-067-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-068-001

Comment Author: California Chamber of Commerce

Document Type: Industry Assoc.

State of Origin: CA

Represented Org:

Document Date: 09/26/97

Subject Matter Code: B Comment Period

References:

Attachments? N

#### CROSS REFERENCES

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Comment: We find ourselves in a quandary over the timeline for commenting on this proposed rulemaking package. The Environmental Protection Agency is allowing only 50 days for public comment on a proposal whose complexity really warrants more time. A public comment period spanning the summer months further exacerbates the situation by ensuring that only a minimal staff would be available to review the proposal.

We are further concerned that our members have had virtually no time to obtain the state's proposed implementation policy, which is parallel rulemaking to this one, as it has just been released for public review. Given the potential enormous impacts of this rulemaking, it is not unreasonable to suggest extending the deadline for comments.

The California Chamber of Commerce, on behalf of its members, requests that you consider extending the deadline for comments for at least another 30 days and preferably 60 days to accommodate the business community's concerns on this important package.

Response to: CTR-068-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001. In response to the comment that since the comment period spanned the summer months which exacerbated the situation since minimal staff were available, EPA had no intention of proposing during an inconvenient time period. This was the time period after which the Agency obtained its internal administrative and OMB approval to propose the rule. EPA notes that the comment period ran through September 26, 1997, a month in which most people have returned from summer vacations.

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Comment ID: CTR-069-001

Comment Author: CA Bus Prop Ass & Bldg Ind Ass

Document Type: Trade Org./Assoc.

State of Origin: CA

Represented Org:

Document Date: 09/26/97

Subject Matter Code: B Comment Period

References:

Attachments? N

#### CROSS REFERENCES

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Comment: In light of the recent release of the State Water Resources Control Board Proposed Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, CBIA and CBPA request that EPA extend the comment period on its proposed rule for at least an additional 30 days in order for CBIA and CBPA to analyze the proposed rule in relation to the state's proposed implementation policy. Of primary concern to CBIA and CBPA is how the proposed rule in concert with the state's proposed implementation policy will affect the construction stormwater permit process.

Response to: CTR-069-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-070-001  
Comment Author: Sewerage Agency of Sthrn Marin  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 09/22/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? Y  
CROSS REFERENCES

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Comment: Request to extend comment period Initial review indicates that the proposed rule will have a significant impact on SASM. An additional 60 days is requested to allow for a complete review. Extension of the comment period will also help to facilitate a more complete review of the companion State Water Resources Control Board's Draft implementation Policy.

Response to: CTR-070-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-081-001  
Comment Author: West County Agency  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 09/26/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: \* The WCA strongly requests that the comment period be extended or reopened. This is appropriate to facilitate a more complete review by the public, particularly other POTWs. In addition, our agency needs additional time to review SWRCB's State Implementation Policy before the full impact of the CTR can be estimated. It is our understanding that a 90-day comment period is common. We recommend the comment period be extended to 90 days.

Response to: CTR-081-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.



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Comment ID: CTR-082-001  
Comment Author: City of Burbank  
Document Type: Local Government  
State of Origin: CA  
Represented Org:  
Document Date: 09/24/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: The subject rule has a significant impact on our facility discharge and the citizens of the City. We therefore present the following comments for your consideration to re-open the comment period for this rule in order to facilitate a more complete review by public and in particular by those in the POTW community:

\* Even though the EPA is not obligated to provide more than 30 days for public comment, it has been common practice for the agency to provide comment periods of 90 days or longer for significant rules. As an example, your agency provided a 150 day comment period for Great Lakes Initiative in 1993.

\* The request for extension of the comment period for this rule is really necessary and justified to facilitate a complete review of the State Water Resources Control Board's (SWRCB's) Draft Implementation Policy which was released on September 12, 1997. As the USEPA and STWRCB are simultaneously promulgating the CTR and Criteria and Statewide Implementation Policy, the POTW's did not have adequate time to review the CTR, State Implementation Policy and supporting discussion which are quite lengthy and voluminous. As a result any comments we have, by and large don't take into account the draft implementation policy.

Response to: CTR-082-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001 and CTR-035-001.

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Comment ID: CTR-083-001  
Comment Author: Fairfield-Suisun Sewer Dist.  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 09/25/97  
Subject Matter Code: B Comment Period  
References: Letter CTR-083 incorporates by reference letters CTR-035 and CTR-054  
Attachments? N  
CROSS REFERENCES

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Comment: The District believes that Region IX has been remiss in its failure to allow sufficient time to comment on this complex regulation. By adhering to minimum legal requirements and denying

additional time for review and comment, Region IX will not benefit from a comprehensive review by affected parties that could lead to a more effective regulation.

Response to: CTR-083-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-085-001  
Comment Author: Camarillo Sanitary District  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 09/24/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N

#### **CROSS REFERENCES**

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Comment: The District is an active member of both the California Association of Sanitation Agencies (CASA) and the Southern California Alliance of Publicly Operated Treatment Works (SCAP) and vAH be reiterating several of the comments of these organizations on the California Toxics Rule, which the District fully supports:

The District requests that the EPA reopen the comment period for the proposed California Toxics Rule in order to facilitate a more complete review by the public and in particular, by those in the Publicly Operated Treatment Works (POTW) community. While the District realizes that the EPA is not obligated to provide more than 30-days for public comments, the Agency has provided comment periods of 90 days or longer for significant rules. For example, the EPA provided a 150-day comment period for the Great Lakes Initiative in 1993.

Response to: CTR-085-001

In response to the first comment requesting an extension of the comment period, please refer to response to CTR-001-001 and CTR-035-001.

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Comment ID: CTR-085-002  
Comment Author: Camarillo Sanitary District  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 09/24/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N

#### **CROSS REFERENCES**

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Comment: The District is an active member of both the California Association of Sanitation Agencies (CASA) and the Southern California Alliance of Publicly Operated Treatment Works (SCAP) and vAH be reiterating several of the comments of these organizations on the California Toxics Rule, which the District fully supports:

The District also believes that an extension of the comment period is justified to facilitate a more complete review of the State Water Resources Control Board's (SWRCB) Draft Implementation Policy, which was released on September 12, 1997. It is the District's understanding that the EPA and the SWRCB are promulgating the criteria and statewide implementation policies in a collaborative manner and the extension would allow for more complete review of and comments on the California Toxics Rule, the Implementation Policy and supporting documents.

Response to: CTR-085-002

In response to the second comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-089-002  
Comment Author: Las Virgenes Mncpl Water Dist.  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 09/24/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: While the draft regulations demonstrate clear progress on these and other issues, there remain some unresolved problems that could compromise our ability to serve our customers. We offer these comments in the hope of minimizing those potential impacts.

Adequacy of the 30-Day Public Comment Period

The CTR is a major revision of the regulations governing the discharge of toxic pollutants throughout the state. While not required by law, we respectfully request that the USEPA extend the draft CTR public comment period to at least 90 days. We believe this is justified and necessary given the scope, length, and technical content of the proposed regulations. In particular, due to the limited time to review these regulations, we were unable to closely examine the proposed State Implementation Policy (SIP), which provides detailed guidance to the state's Regional Water Quality Control Boards, which must enforce these new regulations.

## SUMMARY

We hope these comments will help to make the final CTR a better document and a better law. Overall, the draft CTR reflects substantial thought and effort on how best to implement the Clean Water Act's mandate of reducing pollutant discharges to the nation's receiving waters. The draft CTR clearly advances this goal, but our hope is that those agencies and parties most-directly affected by it will be

allowed additional time to review it to their satisfaction. We strongly encourage a more detailed assessment of the actual economic impacts that could result from these new regulations. The ability of public utilities to fund new projects has never been lower, and every rate increase requires sound and well-founded justification. No ratepayer should be asked to shoulder the cost of new regulations without a clear and detailed explanation of what it is going to cost, and what benefits will result. State mandated costs require state funding.

We appreciate this opportunity to comment on the draft California Toxics Rule. Please do not hesitate call myself or Dr. Randal Orton in our Resource Conservation and Public Outreach Department to tell us how we can help you further.

Response to: CTR-089-002

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-090-001  
Comment Author: C&C of SF, Public Util. Commis.  
Document Type: Local Government  
State of Origin: CA  
Represented Org:  
Document Date: 09/25/97  
Subject Matter Code: B Comment Period  
References: Letter CTR-090 incorporates by reference letters CTR-035 and CTR-054  
Attachments? Y  
**CROSS REFERENCES**

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Comment: The proposed rule and the accompanying economic analysis contain a significant amount of highly technical and complex information. We appreciate the time and effort that went into this proposal. However, we are extremely disappointed that EPA is unwilling to allow a longer review time, especially considering the delay in releasing the State Implementation Policy. We join other who have already requested an extension of the comment period.

Response to: CTR-090-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001 and CTR-035 -001.

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Comment ID: CTR-094-001  
Comment Author: SAIC  
Document Type: Engineering Firm  
State of Origin: CA  
Represented Org:  
Document Date: 09/30/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N

## CROSS REFERENCES

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Comment: SAIC has reviewed the draft rule proposing water quality criteria for toxic pollutants for California (California Toxics Rule) that was published in the Federal Register on August 5, 1997 and believe that the breadth and complexity of the draft CFR and the accompanying economic impact analysis warrant an extension of the comment period for an additional 30 days.

SAIC is a diversified, scientific, engineering, research, and development company that provides technical and management services and products to private industry and the Federal government. SAIC was organized in 1969 to apply the techniques successfully employed in high technology areas to major national and international programs. Over the past 28 years, SAIC's team of professionals has grown from a handful to more than 22,000 employees throughout 250 locations in the United States and abroad.

SAIC is making this request to ensure that sufficient time is available to the public to coordinate the review of the CFR with an evaluation of the State of California's anticipated proposal of implementation policies for the criteria, which is scheduled to be released September 12, 1997. Providing overlapping comment periods will allow interested parties to understand the full contents and implications of the regulations, which are being partially adopted by the US EPA and partially developed by the State in 303 (c)(2)(b) of the Clean Water Act.

If you have any questions, please call me at 650-604-0924. Thank you for your consideration of our request.

Response to: CTR-094-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTR-096-005  
Comment Author: City of Modesto  
Document Type: Local Government  
State of Origin: CA  
Represented Org:  
Document Date: 09/25/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: Thank you for the opportunity to comment on the proposed California Toxics Rule. The City's comments are related to five main concepts:

5. Additional time is needed to assess the specific impacts that the proposed Rule will have on the City of Modesto system.

Specifically, the City submits the following comments:

H. Although Modesto's wastewater treatment system and storm water disposal system is not entirely

unique to most Central Valley communities, it is one of the more complex systems in the state. It is among the top 20 in size in a state with nearly 500 POTWs. In order to best evaluate the effect of The California Toxics Rule on Modesto, additional comment time is needed. Also, more time is needed to facilitate a more complete review of the State Water Resources Control Board's (SWRCB) draft implementation policy, which was released September 12, 1997. By and large, these comments do not take into account the draft implementation policy of the SWRCB.

Response to: CTR-096-005

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-001-001a

Comment Author: Tri-TAC/CASA

Document Type: Trade Org./Assoc.

State of Origin: CA

Represented Org:

Document Date: 07/21/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES V

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Comment: We are writing to you on behalf of Tri-TAC and the California Association of Sanitation Agencies regarding the forthcoming publication of the proposed Water Quality Standards for Toxic Pollutants for California ("California Toxics Rule") and release of draft state implementation policies and functional equivalent document. As you are aware, Tri-TAC and CASA have supported the decisions of the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) to eliminate duplication in state and federal water quality rulemaking activities through the pursuit of a collaborative approach. Our understanding is that, through this approach, EPA will adopt water quality criteria for toxic pollutants that will apply in California and the SWRCB will adopt implementation policies that will guide the Regional Water Quality Control Boards in the implementation of those criteria. In a later phase, the SWRCB intends to adopt state criteria that will replace the federal criteria.

We have been informed recently by EPA staff that publication of the draft California Toxics Rule is imminent and is expected to take place by the end of July. According to staff, a 50-day public comment period will be provided. We have heard from SWRCB staff that they plan to release the proposed state implementation policies and FED on September 12. We have asked each agency to provide an overlapping comment period for these draft regulations, and have been informed that the current schedule will provide about one week of overlap, assuming that both agencies release their drafts on schedule. We are quite concerned about this situation in several respects. First, we believe that a one-week overlap does not provide sufficient time for a meaningful review and comparison of the regulations (and comparative analysis of the economic impact analyses, which depend heavily on the implementation policies). We believe that a minimum of 30 days is necessary for the overlap review period, and that the slight delay that this would create for EPA is warranted and would have a negligible impact on the timing of the overall rule promulgation process. Second, we are very concerned about whether the SWRCB will meet its projected release schedule. While we believe that sufficient time has been available to prepare

the draft policies and FED, it is imperative that the SWRCB do everything possible to meet its commitment to move forward in a timely manner, and that any extension of EPA's comment period not be used to adjust the state's schedule. Third, we understand that both EPA and the SWRCB plan to hold public hearings regarding their respective proposals this fall. We believe that it is important that representatives of both agencies attend and participate in the hearings that each agency holds, and that an explanation be provided regarding both the CTR and the implementation policy.

In short, we request that EPA and the SWRCB carefully review their efforts to coordinate both the development and release of the California Toxics Rule and State implementation Policies, and specifically, we request that EPA provide a comment period sufficient to ensure that a 30-day overlap will occur with the SWRCB's release of the FED for the State Implementation Policies. More generally, we hope that both agencies will offer flexibility in the promulgation process so that the various scheduling and review needs can be met. We hope that your respective agencies will continue to move forward with a collaborative rulemaking process, and are concerned that cooperation not break down due to institutional barriers at this point in the process.

Thank you for your consideration of our comments. We would be happy to discuss these issues further at your convenience.

Response to: CTRE-001-001a

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001. In response to the comment concerning the coordination of public hearings, the State was invited to speak about its proposed implementation plan at EPA's public hearings on the CTR. Although they did not make any formal presentation, they were available to answer questions and in fact did answer questions posed to them concerning the implementation policy.

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Comment ID: CTRE-001-002

Comment Author: Tri-TAC/CASA

Document Type: Trade Org./Assoc.

State of Origin: CA

Represented Org:

Document Date: 07/21/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: I am writing on behalf of Tri-TAC and the California Association of Sanitation Agencies (CASA), which are California-based organizations comprised of members from public agencies responsible for wastewater treatment. Tri-TAC is an advisory group which includes representatives from CASA, the California Water Environment Association, and the League of California Cities. CASA is comprised of over 85 agencies responsible for the operation of publicly owned treatment works (POTWs). The constituency base for Tri-TAC and CASA encompasses most of the sewered population of California. Representatives of CASA and Tri-TAC have met with EPA staff over the past several years to discuss the development of the proposed rule, and appreciate the Agency's efforts to inform the regulated community about the pending regulation.

We have reviewed the draft rule proposing water quality criteria for toxic pollutants for California ("California Toxics Rule" or "CTR") that was published in the Federal Register on August 5, 1997 and believe that the breadth and complexity of the draft CTR and the accompanying economic impact analysis warrant an extension of the comment period for an additional 30 days. In particular, we are making this request to ensure that sufficient time is available to the public to coordinate the review of the CTR with an evaluation of the State of California's anticipated proposal of implementation policies for the criteria which is scheduled to be released September 12, 1997. Providing overlapping comment periods will allow interested parties to understand the full contents and implications of the regulations, which are being partially adopted by EPA and partially developed by the State in order to achieve full compliance with Section 303(c)(2)(b) of the Clean Water Act.

I would appreciate it if you would notify me at the above address of your decision. Thank you very much for your consideration of our request.

Response to: CTRE-001-002

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-002-001  
Comment Author: G. Fred Lee & Associates  
Document Type: Academia  
State of Origin: CA  
Represented Org:  
Document Date: 09/18/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: I wish to follow up on yesterday afternoon's US EPA Region 9 hearing on the draft California Toxics Rule (CTR) criteria to reinforce the comments made by a number of urban stormwater dischargers about the need to extend the deadline for receipt of written comments. I have been involved in water quality criteria development and implementation since the mid-1960s where I have worked with federal, state and local governmental agencies and/or the regulated community. I find that it would be a serious error on the part of US EPA Region 9 and US EPA headquarters to proceed with the September 26, 1997 deadline for receipt of written comments on the CTR. There are many reasons for providing at least a 30- to 45-day extension of the date by which the written comments should be received. These include the fact that it took the USEPA Region 9 several years to develop the California Toxics Rule criteria beyond when they were due. To now not grant politically important entities, such as the major urban stormwater dischargers, adequate time to develop the information that needs to be developed and that should have been developed by the US EPA Region 9 as part of promulgating the draft California Toxics Rule would, in my opinion, be viewed as extremely short-sighted on the part of US EPA Region 9 and US EPA headquarters.

Response to: CTRE-002-001

In response to the comment requesting an extension of the comment period, please refer to response to



CTR-001-001.

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Comment ID: CTRE-002-005

Comment Author: G. Fred Lee & Associates

Document Type: Academia

State of Origin: CA

Represented Org:

Document Date: 09/18/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: As I testified at yesterday's hearing, the issue of urban stormwater runoff water quality management is in chaos. This situation has been well understood for at least five years. While attempts are being made to address these issues through the US EPA headquarters' various wet weather committees, thus far the fundamental issue that was raised yesterday at the hearing by urban stormwater discharger after discharger has not been adequately addressed, i.e. ultimately having to achieve water quality standards based on CTR criteria in the receiving waters for the discharge through ever-increasingly more stringent BMPs. While the proposed CTR does not specify a time period over which the BMP ratcheting-down process will occur, there can be no doubt that this time period will be set by the courts through litigation brought by environmental groups who will assert that an NPDES-permitted stormwater discharger is not making adequate progress toward achieving the ultimate goal of only one violation of a water quality standard every three years for regulated constituents. Because of the uncertainty of how the courts will handle this matter, stormwater dischargers could be faced with having to achieve water quality standards in the discharge waters within five to ten years. Clearly there is need to understand the cost and benefits associated with achieving these standards as part of adopting the CTR as it is applied in regulating urban stormwater runoff water quality.

As part of my comments on the significant technical deficiencies in the CTR as drafted, I will be providing a discussion of technical back-up to these issues from the published literature. Many of my papers and reports on this topic are available from my web site (<http://members.aol.com/gfredlee/gfl.htm>).

It is my recommendation that US EPA Region 9 and US EPA headquarters should postpone any adoption of the California Toxics Rule until the US EPA properly presents and discusses the potential costs and the potential benefits in terms of real improvements in designated beneficial uses of receiving waters that will likely accrue as the result of regulated urban stormwater discharges ultimately having to comply with water quality standards based on CTR criteria. The US EPA Region 9 should allow the stormwater dischargers the opportunity to provide information on the cost and benefits arising from applying these criteria to stormwater discharges as required by the Clean Water Act when it becomes clear that BMPs of the type that are readily available today will not eliminate the administrative exceedances of water quality standards numerically equal to the aquatic life criteria set forth in the CTR. After allowing the urban stormwater dischargers to provide this information, the US EPA then, in turn, should develop an economic analysis that reliably presents and discusses these issues. As I testified, this process is the necessary first step to correcting the significant chaos that now exists in the urban stormwater runoff water quality management field.

While I do not know how long it would take the US EPA to conduct the required analyses of the urban stormwater runoff costs and real water quality benefits, it would seem appropriate that taking a few months to accomplish this could in the long term represent a time and resource saving in terms of ultimately correcting the significant technical problems that exist today in regulating urban stormwater runoff.

I recommend the Following:

- \* Urban stormwater dischargers as well as other interested parties should be provided a several-month period during which preliminary assessment of the potential costs and water quality benefits associated with having to meet CTR criteria as standards in the receiving waters for stormwater runoff of concern to the discharger is conducted and reported to US EPA Region 9.
- \* The US EPA should take several months to develop an amended draft CTR that provides a reliable economic analysis and the potential benefits covering the current regulatory approach for regulating chemical constituents in urban stormwater runoff which involves a ratcheting down of BMPs to achieve the ultimate goal of only one exceedance of a water quality standard every three years in the receiving waters for stormwater runoff.
- \* The public could be given a two-month period upon which to review and comment on the adequacy of the US EPA's economic analysis of costs and benefits of achieving the currently mandated goal of using CTR criteria as standards for receiving waters for regulated urban stormwater runoff.

Adoption of this approach will send a clear signal to the public that the US EPA is finally willing to meaningfully address the heart of the urban wet weather problem. With the Agency for the first time reliably developing information on costs and true water quality benefits, the public, Congress, regulators and the regulated will begin to understand the need to change how urban and highway stormwater runoff is regulated to protect the designated beneficial uses of waterbodies without significant unnecessary expenditures for chemical constituent control.

If you have questions on these comments, please contact me. I hope that those who control US EPA Region 9 activities associated with CTR development will address the highly significant deficiencies that exist now in how US EPA Region 9 and US EPA headquarters developed the draft CTR relative to urban stormwater runoff water quality issues. If I can be of assistance in this matter, please contact me.

Response to: CTRE-002-005

EPA did not include benefits or costs of controlling nonpoint sources or storm water dischargers in its estimates of benefits and costs of the CTR. EPA believes that the final rule will not have a direct effect on sources not permitted under the NPDES program (e.g., nonpoint sources) or NPDES sources not typically subject to numeric water quality-based effluent limits (e.g., wet weather discharges). Any potential indirect effect on nonpoint sources and wet weather discharges, such as runoff from farms, urban areas, and abandoned mines, and contaminated sediment, is unknown at this time. Many of the programs developed to control nonpoint sources and wet weather discharges are already in place. Costs due to these programs have already been incurred or will soon be incurred owing to existing federal, State, and local environmental programs.

EPA also acknowledges that nonpoint sources and wet weather discharges are technically difficult to model and evaluate costs because they are intermittent and highly variable. Nonpoint source and wet weather discharges also occur under different hydrologic or climatic conditions than continuous

discharges from industrial and municipal facilities, which are evaluated under critical low flow or drought conditions. Thus, evaluating agricultural nonpoint source discharges and storm water discharges and their effects on the environment is highly site-specific and data intensive.

See also response to CTR-040-004.

For analysis of the final CTR, EPA updated its Economic Analysis to reflect the most recent data and information for each sample facility and also increased the sample size for minor facilities. Based on this revised analysis, EPA estimated that minor POTWs will incur costs of approximately \$5,000 per facility per year under the low cost scenario and \$7,800 per facility per year under the high cost scenario. See also response to CTR-058-018.

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Comment ID: CTRE-003-001a

Comment Author: Bay Planning Coalition

Document Type: Trade Org./Assoc.

State of Origin: CA

Represented Org:

Document Date: 09/09/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES J

R

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Comment: The Bay Planning Coalition represents approximately 200 maritime industry, shoreline businesses, local governments and Bay users along the S.F. Bay shoreline and is most significantly affected by the proposed California Toxics Rule. One of our primary interests is the economic analysis which under the EPA's model estimates a range of annual costs of \$14.9 to \$86.6 million.

We believe the annual costs for implementation of the Rule statewide exceed the EPA estimate range. We are particularly concerned because it appears that the economic impact analysis did not include the costs of compliance for the NPDES stormwater permit applicants. In order for us to provide EPA with sufficient detail on our economic analysis and cost projection as well as the impact of the Rule on small business under the Regulatory Flexibility Act, we request an extension of time to respond. A 30-day extension from September 26 to October 27, 1997 would be acceptable. Thank you so much for your consideration.

Response to: CTRE-003-001a

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001. In response to the comment concerning the Regulatory Flexibility Act, the proposed CTR did not itself establish any requirements that were applicable to small entities, and thus, the EPA Administrator certified that the proposed rule would not have a significant economic impact on a substantial number of small entities. The final CTR likewise did not establish any requirements that were applicable to small entities and thus, the EPA Administrator certified that the regulation would not have a significant economic impact on a substantial number of small entities. Thus, no initial regulatory flexibility analysis was conducted.

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Comment ID: CTRE-003-001b  
Comment Author: Bay Planning Coalition  
Document Type: Trade Org./Assoc.  
State of Origin: CA  
Represented Org:  
Document Date: 09/09/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES B  
R

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Comment: The Bay Planning Coalition represents approximately 200 maritime industry, shoreline businesses, local governments and Bay users along the S.F. Bay shoreline and is most significantly affected by the proposed California Toxics Rule. One of our primary interests is the economic analysis which under the EPA's model estimates a range of annual costs of \$14.9 to \$86.6 million.

We believe the annual costs for implementation of the Rule statewide exceed the EPA estimate range. We are particularly concerned because it appears that the economic impact analysis did not include the costs of compliance for the NPDES stormwater permit applicants. In order for us to provide EPA with sufficient detail on our economic analysis and cost projection as well as the impact of the Rule on small business under the Regulatory Flexibility Act, we request an extension of time to respond. A 30-day extension from September 26 to October 27, 1997 would be acceptable. Thank you so much for your consideration.

Response to: CTRE-003-001b

EPA's EA, which uses many conservative costing assumptions, indicates that the cost of the State implementing water quality standards based on the proposed criteria in the CTR is likely to be below \$100 million per year. Benefits are also estimated to be below \$100 million per year. These estimates indicate that the action is not "significant" under E.O. 12866, under the provision concerning annual effects on the economy.

Criteria, by themselves, do not directly impose economic impacts. Criteria are one of three parts of a water quality standard. A water quality standard is comprised of: a criterion, a designated use, and an antidegradation requirement. The CTR promulgates criteria for priority toxic pollutants. When these criteria are combined with State adopted designated uses and antidegradation requirements, water quality standards will be created. When the State implements these water quality standards, costs may be imposed. However, in the spirit of the intent of E.O. 12866, EPA prepared the EA which looks at the costs and benefits of the State's implementation of the resulting water quality standards based on the CTR criteria into the NPDES permit program.

The Unfunded Mandates Reform Act of 1995 (UMRA) in general requires federal agencies to assess the effects of their regulatory actions on State and local governments, and on the private sector. The agency must prepare a written statement including a cost-benefit analysis for actions with a "federal mandate" that may result in expenditures to State and local governments, in the aggregate, or to the private sector of \$100 million or more in any one year. The CTR does not contain any federal mandate that may result in expenditures by State and local governments, or the private sector, of \$100 million or more in any one

year. The CTR imposes no direct enforceable duties on the State, local or private sector; rather the rule promulgates water quality criteria which, when combined with State-adopted designated uses and antidegradation requirements, will create water quality standards. The CTR does not directly regulate or affect any entity and therefore is not subject to the requirements of UMRA.

The Regulatory Flexibility Act in general requires federal agencies to describe the impact of their regulatory actions on small entities as part of the rulemaking. If the Administrator certifies that the action will not have a significant economic impact on a substantial number small entities, the agency is not required to prepare the analysis. The Administrator certified in the proposed rule, and is certifying again today that the rule will not have a significant economic impact on a substantial number of small entities. EPA's promulgation of water quality criteria will assist the State in establishing water quality standards. The State will, in turn, implement the resulting water quality standards in its water quality regulatory programs such as the NPDES permit program. The State has discretion in deciding how to meet the water quality standards and in developing discharge limits as needed to meet those standards. While the State's implementation of water quality standards based on federally-promulgated criteria may result in new or revised discharge limits being placed on small entities, the criteria or standards themselves do not apply to any discharger, including small entities. Thus, EPA's action today does not impose any of these as yet unknown requirements on small entities.

See also response to CTR-044-045.

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Comment ID: CTRE-004-001a

Comment Author: Victor Valley Wastewater Auth.

Document Type:

State of Origin: CA

Represented Org:

Document Date: 09/11/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES G-08

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Comment: The Victor Valley Wastewater Reclamation Authority (VWVRA) respectfully requests that the comment period deadline be extended for the California Toxics Rule (CTR). The current comment period deadline is September 26, 1997. We request that the latter deadline be extended for at least 60 days so that we can fully evaluate the potential impact on VWVRA

The reasons for our request are as follows:

1. VWVRA discharges to the Mojave River, which is considered by the Lahontan RWQCB as an impaired waterway. Although portions of the Mojave exhibit year-round surface flow, the River directly above VWVRA does not exhibit consistent surface flow. However, the Lahontan RWQCB considers the Mojave an underflow stream, which is often considered as surface flow. Whether an underflow stream would be considered under the CTR for receiving stream dilution has yet to be determined;
2. It is difficult if not impossible to evaluate the impacts of a proposed regulation without considering the mechanism by which it will be implemented. The SWRCB is not expected to release the

implementation plan until September 12, 1997. Therefore, VVWRA takes exception to the imposition of a regulation with an undefined implementation plan;

3. Because of the latter unknowns and the complexity of the regulation V has not had sufficient time to evaluate the potential economic impacts, if any, of the proposed regulation.

Response to: CTRE-004-001a

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-005-001

Comment Author: Western States Petroleum Assoc

Document Type: Trade Org./Assoc.

State of Origin: CA

Represented Org:

Document Date: 09/10/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: The Western States Petroleum Association (WSPA) is a trade association, which represents a majority of the petroleum-related interests in the western United States. These interests include production, transportation, refining, and marketing of petroleum and petroleum based products. WSPA appreciates to opportunity to provide comments on the proposed rule regarding "Water Quality Criteria For Toxic Pollutants For California." Upon review, it has become clear that the limited time available for preparing meaningful comments is too short. This is a significant and complex rule development, which will impact our operations. We therefore, would like to request an additional 30 days to review the proposal and provide written comments. These concerns over timing are worsened by the anticipated September 12, 1997, release of the State of California's proposed implementation policies for the criteria. Due to their inter-relationship, it is important that interested parties be given the opportunity to review both of these proposals together.

Response to: CTRE-005-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-006-001

Comment Author: County of Los Angeles

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 08/19/97

Subject Matter Code: B Comment Period

References:

Attachments? N

#### CROSS REFERENCES

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Comment: I am writing on behalf of the Sanitation Districts of Los Angeles County regarding the public comment period for the Proposed Rule Regarding Water Quality Criteria for Toxic Pollutants for California, which was published in the Federal Register on August 5, 1997. As noted in the Federal Register notice, the public comment period is scheduled to close on September 26, 1997. The Sanitation Districts requests that EPA extend the comment period for 30 days from that date.

We have reviewed the draft rule, and believe that its importance and complexity warrant an in-depth review, including an assessment of the rule's impacts on the seven water reclamation plants owned and operated by the Districts that will be affected by the rule. In addition, we believe that an extra 30 days is necessary to enable us to review the State of California's anticipated proposal of implementation policies for the criteria, which is not expected to be released until mid-September. As has been discussed with your staff and State Water Resources Control Board staff, we believe that a sufficient overlapping review period is necessary to fully implement the collaborative process embarked upon by EPA and the SWRCB last year.

Response to: CTRE-006-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-007-001

Comment Author: SCAP

Document Type: Trade Org./Assoc.

State of Origin: CA

Represented Org:

Document Date: 08/11/97

Subject Matter Code: B Comment Period

References:

Attachments? N

#### CROSS REFERENCES

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Comment: I am writing on behalf of the Southern California Alliance of Publically Owned Treatment Works (SCAP) to request an extension of the comment period for the proposed rule regarding water quality criteria for toxic pollutants for California (the California Toxics Rule) for 30 days. SCAP is a non-profit organization formed in 1992 to provide a common voice for the Southern California community of municipal wastewater treatment agencies in expressing our interest in promoting reasonable regulations that are in the public's best interest. We have forty-six member agencies serving a combined population of over 10 million people.

CAP has reviewed the draft rule and believes that an extension of the comment period for an additional 30 days is warranted to ensure that sufficient time is available to review the changes made in the water quality criteria in the CTR from the National Toxics Rule, which was promulgated several years ago. In addition, the extension is necessary to provide sufficient overlap for a meaningful review and comparison of the proposed regulations and the State Water Resources Control Board's draft policies regarding the implementation of the CTR. We understand that the State plans to release proposed policies and draft

Functional Equivalent Document on September 12, 1997. We believe that our comments on the CTR will be more informed if there is an adequate opportunity to review the State's proposal before the close of the federal comment period. Therefore, we request that the comment period be extended until at least October 27, 1997.

Response to: CTRE-007-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001. In response to the comment that additional time was necessary to review the changes in criteria values from the National Toxics Rule (NTR), EPA provided a table in the preamble to the proposed CTR which outlined all the changes in aquatic life numbers from the NTR. The text that followed explained the changes in detail. EPA believes that the comment period was sufficient time within which to review and comment on these changes from the NTR.

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Comment ID: CTRE-008-001  
Comment Author: Cupertino Sanitary District  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 08/18/97  
Subject Matter Code: B Comment Period  
References:

Attachments? N

#### CROSS REFERENCES

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Comment: The Cupertino Sanitary District is a wastewater collection agency which transports approximately 4.5 MGD of wastewater to the San Jose/Santa Clara Water Pollution Control Plant. The San Jose/Santa Clara Water Pollution Control Plant is a regional treatment facility capable of treating 167 MGD. The staff at the plant have begun a review of the draft rule for toxic pollutants for California, as published August 5, 1997, in the Federal Register. The complexity of the document, however, and the need to compare our plant's assessment with other wastewater agencies, leads me to ask for a 30-day extension of the comment period. This additional time will allow for a concurrent evaluation of the state's implementation policies for the numeric criteria.

Thank you very much for considering this request.

Response to: CTRE-008-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-009-001  
Comment Author: Dublin San Ramon Services Dist  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 08/15/97



Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: Dublin San Ramon Services District treats wastewater from a population of 100,000 residents of the East San Francisco Bay area. We have begun our review of the draft rule for toxic pollutants for California as published August 5, 1997, in the Federal Register. The complexity of the document, its importance to our future operation and our need to compare our assessment with other wastewater agencies leads me to ask for an extension of the comment period through say October 26, 1997, a 30 day extension. This would allow us to concurrently evaluate the state's implementation policies for the numeric criteria.

Thank you for considering this request.

Response to: CTRE-009-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-010-001

Comment Author: Moulton Niguel Water District

Document Type: Water District

State of Origin: CA

Represented Org:

Document Date: 08/15/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: The Moulton Niguel Water District is aware that the California Toxics Rule (CTR) has been published in the Federal Register and the comment period for it is scheduled to close on September 26, 1997. Public hearings have also been scheduled for September 17 and 18 in San Francisco and Los Angeles.

We are concerned with the time allowed to review this complex issue and are requesting your office to extend the review period by 30 days. We are aware that a similar request has been made by the California Association of Sanitation Agencies (CASA) and Tri-TAC and we also support their position.

Response to: CTRE-010-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001 and CTR-035-001.

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Comment ID: CTRE-011-001

Comment Author: County of Orange  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 08/15/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
**CROSS REFERENCES**

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Comment: The County Sanitation Districts of Orange County, California (Districts) operates the third largest wastewater agency west of the Mississippi River, having the responsibility for collecting and safely treating wastewater for 2.1 million residents and businesses in metropolitan Orange County. We are members of the California Association of Sanitation Agencies (CASA) and Tri-TAC (an advisory group for CASA, California Water Environment Association, and the League of California Cities), and through these groups we have met with EPA staff to discuss the development of the proposed rule.

We appreciate the Agency's efforts to inform the regulated community about the pending regulation, however, we believe the complexity of the draft "California Toxics Rule" that was published in the Federal Register on August 5, 1997 and the accompanying economic impact analysis warrant an extension of the comment period for an additional 30 days. We are making this request to ensure that sufficient time is available to the public to coordinate the review of the "California Toxics Rule" with an evaluation of the State of California's anticipated proposal of implementation policies for the criteria, which is scheduled to be released September 12, 1997. This overlapping comment period will provide the interested parties the opportunity to understand the contents and implications of the regulations, which are being partially adopted by EPA and partially developed by the State in order to achieve full compliance with Section 303(c)(2)(b) of the Clean Water Act.

Should you have any questions regarding this request for extension, please call Nancy J. Wheatley, Director of Technical Services, or me at (714) 962-2411.

Response to: CTRE-011-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-012-001  
Comment Author: CA Council Env & Econ Balance  
Document Type: Trade Org./Assoc.  
State of Origin: CA  
Represented Org:  
Document Date: 09/09/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
**CROSS REFERENCES**

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Comment: The California Council for Environmental and Economic Balance (CCEEB) has been advised

that the State Water Resources Control Board (SWRCB) staff is planning to release the proposed State Implementation Policies on September 12, 1997. Since the release of these policies may indeed have an effect on the proposed California Toxics Rule, the Council is concerned that there may not be sufficient time provided for comment prior to the release of these policies.

At this time, we would like to request that EPA provide a comment period of the draft California Toxics Rule sufficient to ensure that adequate time is given prior to release of the State Implementation Policies.

Furthermore, we trust that EPA and SWRCB will be flexible in the promulgation process in order that everyone's scheduling and review needs can be met.

Response to: CTRE-012-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-013-001  
Comment Author: Calaveras County Water Dist.  
Document Type: Water District  
State of Origin: CA  
Represented Org:  
Document Date: 08/15/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: Concern has been raised by various agencies in California (i.e., Tri-TAC and CASA) about the above-referenced proposed Rule which could have a sizable monetary impact on California agencies involved with wastewater treatment. Considerable more time is required to thoroughly study the proposed Rule and its economic impacts on California agencies.

As an agency involved with wastewater treatment, I hereby request that at least a 30 day extension of time be allowed for further review and comment.

Response to: CTRE-013-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-014-001  
Comment Author: City of Riverside  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 09/03/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: The City of Riverside is requesting a 30 day extension in the comment period for the proposed California Toxics Rule. As the City was used as a case study for the economic analysis we feel that it is our responsibility to review these documents in some detail. Further, revelations regarding the status of the Santa Ana River Use Attainability Analysis and the site specific objectives that came out of that study, require considerable evaluation and consensus building within the watershed prior to comment.

Thank you for your consideration of this matter. Should you agree with our request, we would appreciate a notice of your decision.

Response to: CTRE-014-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-015-001

Comment Author: Oro Loma Sanitary District

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 08/30/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: Oro Loma Sanitary District is a P.O.T.W. located in Alameda County between San Leandro and Hayward. We are also a member of the California Association of Sanitation Agencies (CASA) which actively monitors legislation and regulatory rule making.

We have reviewed the draft rule proposing water quality criteria for toxic pollutants for California ("California Toxics Rule" or "CTR") that was published in the Federal Register on August 5, 1997 and believe that the breadth and complexity of the draft CTR and the accompanying economic impact analysis warrant an extension of the comment period for an additional 30 days.

We are making this request to ensure that sufficient time is available to the public to coordinate the review of the CTR with an evaluation of the State of California's anticipated proposal of implementation policies for the criteria, which is scheduled to be released September 12, 1997. Thank you for your consideration.

Response to: CTRE-015-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-016-001  
Comment Author: League of California Cities  
Document Type: Local Government  
State of Origin: CA  
Represented Org:  
Document Date: 09/03/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: On behalf of the League of California Cities, I am writing to respectfully request a 30 day extension to the comment period on the draft rule proposing water criteria for toxic pollutants for California ("California Toxics Rule" or "CTR"). That rule was published in the Federal Register on August 5 1997.

The League agrees with others who have requested an extension of the comment period that the complexity and breadth of the draft CTR, and the accompanying economic impact analysis, warrant additional time for comment. In addition, it is necessary to ensure that sufficient time is available to the public to coordinate the review of the CTR with an evaluation of the State of California's anticipated proposal of implementation policies for the criteria, which is scheduled to be released September 12, 1997. We believe that the quality of the public comment submitted will benefit by providing an overlapping time period in which interested parties can evaluate both sets of proposals.

For these reasons, the League of California Cities respectfully requests an extension of the public comment period for the draft CTR. Thank you for your careful consideration of our request.

Response to: CTRE-016-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-017-001  
Comment Author: East Bay Municipal Util. Dist.  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 08/28/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: We have reviewed the draft rule proposing water quality criteria for toxic pollutants for California ("California Toxics Rule" or "CTR") that was published in the Federal Register on August 5, 1997 and believe that the breadth and complexity of the draft CTR and the accompanying economic

impact analysis warrant an extension of the comment period for an additional 30 days. In particular, we are making this request to ensure that sufficient time is available to the public to coordinate the review of the CTR with an evaluation of the State of California's anticipated proposal of implementation policies for the criteria, which is scheduled to be released September 12, 1997. Providing overlapping comment periods will allow interested parties to understand the full contents and implications of the regulations, which are being partially adopted by the EPA and partially developed by the State in order to achieve full compliance with Section 303(c)(2)(b) of the Clean Water Act.

I would appreciate if you would notify me at the above address of your decision. Thank you very much for your consideration of our request.

Response to: CTRE-017-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-018-001  
Comment Author: BASMAA  
Document Type: Trade Org./Assoc.  
State of Origin: CA  
Represented Org:  
Document Date: 09/03/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: On behalf of the Bay Area Stormwater Management Agencies Association (BASMAA), I am writing to respectfully request an extension of the comment period for the California Toxics Rule for an additional 30 days.

The Bay Area Stormwater Management Agencies Association is a consortium of the seven municipal storm water programs in the San Francisco Bay Area representing 89 agencies, including 78 cities and 5 counties. BASMAA is focused on regional challenges and opportunities to improving the quality of urban runoff to the San Francisco Bay and Delta.

BASMAA is working with its member agencies and the California Stormwater Quality Task Force to expedite its review of the proposed CTR. However, the completion of our review is complicated by the planned release on September 12 of the State Board's draft policy for implementing the numeric criteria included in the CTR. Providing more overlapping comment periods for the CTR and the implementation policy will facilitate more coordination between storm water programs on their review and comments, likely saving a significant amount of time for both USEPA and State Board staff in the long run.

Thank you for consideration of our request, and for notifying us of your decision.

Response to: CTRE-018-001

In response to the comment requesting an extension of the comment period, please refer to response to

CTR-001-001.

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Comment ID: CTRE-019-001

Comment Author: Crockett-Valona Sanitary Dist.

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 08/27/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: I am writing in support of Tri-TAC and the California Association of Sanitation Agencies (CASA), which are California-based organizations comprised of members from public agencies responsible for wastewater treatment.

The Crockett-Valona sanitary District is attempting to obtain a copy of the California Toxics Rule so that we may properly review and comment on this important regulatory document. To do so, and with the belief that the breadth and complexity of the draft CTR and the accompanying economic impact analysis alone warrant an extension of the comment period, we request an extension of 30 days.

In particular, we are making this request to ensure that sufficient time is available to CASA and Tri-TAC to coordinate the review of the CTR with an evaluation of the State of California's anticipated proposal of implementation policies for the criteria, which is scheduled to be released September 12. Providing overlapping comment periods will allow interested parties to understand the full contents and implications of the regulations, which are being partially adopted by EPA and partially developed by the State in order to achieve full compliance with Section 303(c)(2)(b) of the Clean Water Act.

Response to: CTRE-019-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-020-001

Comment Author: Mt. View Sanitary District

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 09/02/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: I am writing on behalf of the Mt. View Sanitary District, a publicly owned treatment works

located in Martinez, California. We have reviewed the draft rule proposing water quality criteria for toxic pollutants for California ("California Toxics Rule" or "CTR") that was published in the Federal Register on August 5, 1997, and believe that the breadth and complexity of the draft CTR and the accompanying economic impact analysis warrant an extension of the comment period for an additional 30 days. In particular, we are making this request to ensure that sufficient time is available to the public to coordinate the review of the CTR with an evaluation of the State of California's anticipated proposal of implementation policies for the criteria, which is scheduled to be released September 12, 1997. Providing overlapping comment periods will allow interested parties to understand the full contents and implications of the regulations, which are being partially adopted by EPA and partially developed by the State in order to achieve full compliance with Section 303(c)(2)(b) of the Clean Water Act.

I would appreciate it if you would notify me at the address on this letterhead of your decision. Thank you very much for your consideration of our request.

Response to: CTRE-020-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-021-001  
Comment Author: Novato Sanitary District  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 08/18/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: The Novato Sanitary District (District) has reviewed the draft rule proposing water quality criteria for toxic pollutants for California ("California Toxics Rule" or "CTR") that was published in the Federal Register on August 5, 1997. The District believes that the breadth and complexity of the draft CTR and the accompanying economic impact analysis warrant an extension of the comment period for an additional 30 days. In particular, we are making this request to ensure that sufficient time is available for the public to coordinate the review of the CTR with the State of California's anticipated proposal of implementation policies for the criteria, which is scheduled to be released September 12, 1997. Providing overlapping comment periods will allow interested parties to understand the full contents and implications of the regulations, which are being partially adopted by EPA and partially developed by the State in order to achieve full compliance with Section 303(c)(2)(b) of the Clean Water Act.

Thank you very much for your consideration of our request.

Response to: CTRE-021-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.



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Comment ID: CTRE-022-001  
Comment Author: West County Wastewater Dist.  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 08/20/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: On behalf of the Board of Directors of the West County Wastewater District, a public agency, it is requested that the public comment period for the draft California Toxics Rule (CTR) be extended for an additional 30 days. This request is made in order to allow for a meaningful review by California Association of Sanitation Agencies and Tri-TAC, our public agencies' representatives.

Thank you for considering our request.

Response to: CTRE-022-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001 and CTR-035-001.

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Comment ID: CTRE-023-001a  
Comment Author: Bay Area Dischargers Assoc.  
Document Type: Sewer Authority  
State of Origin: CA  
Represented Org:  
Document Date: 07/17/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES V

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Comment: The Bay Area Dischargers Association (BADA) is comprised of 10 POTWs in the San Francisco Bay Area. Our five largest charter members include the Central Contra Costa Sanitary District, City and County of San Francisco, City of San Jose, East Bay Dischargers Authority, and East Bay Municipal Utility District. Together BADA agencies provide wastewater service to most of the Bay Area.

BADA requests that the U.S. EPA allow at least 90 days for public review of the proposed California Toxics Rule (CTR). We understand the proposed rule will be published in the Federal Register toward the end of this month. The reasons for our request are as follows:

1. The CTR could have a significant economic impact on California municipalities and businesses. In

order to properly assess the impacts of the proposed CTR standards, it is necessary to know how the standards are to be implemented. Yet, the proposed implementation provisions being developed by the State Water Resources Control Board will not be available until September 12, 1997. The several days of overlap are insufficient for California municipalities and businesses to assess the economic and environmental impacts of the proposed standards. At least 45 days of overlap is needed.

2. The U.S. EPA has spent more than three years developing the proposed CTR, in part because of its importance. It is therefore, reasonable to provide at least 90 days for the public to review and comment on the rule, especially considering its potential economic impact on the State and the unavailability of the implementation provisions

3. It is recommended that the EPA work closely with the SWRCB during the review period to define the implementation policy and procedures that the EPA would be likely to approve.

For these reasons, BADA urges you to issue a notice extending the review period from 45 days to 90 days.

Response to: CTRE-023-001a

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-024-001

Comment Author: Sacramento Reg Cnty Sanit Dist

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 07/17/97

Subject Matter Code: B Comment Period

References:

Attachments? N

**CROSS REFERENCES**

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Comment: The Sacramento Regional County Sanitation District (District) understands that the proposed California Toxics Rule (CTR) will be published in the Federal Register at the end of this month. The District also understands that there will be a 45-day period set for public review and comment on this document. The District strongly requests that the period for review and comment be extended to a minimum of 90 days. The reasons for our request are as follows:

1. Previous studies have shown that the specific numeric values set for water quality criteria on metals such as mercury could have a major economic impact on the District. The key conclusion of these studies is that removal of mercury from the District's effluent could cost, more than \$1 billion, but would only result in removing a very small percentage of the mercury being discharged to the Sacramento River from unregulated nonpoint sources in the watershed.

2. In addition, the CTR could have a significant economic impact on many California municipalities and businesses without providing any measurable water quality benefits. This statement is based on in-state studies of the attainability of the U.S. EPA recommended water quality criteria that will be incorporated

into the CTR.

3. The District believes it is necessary to know how the standards are to be implemented, in order to properly assess the impacts of the proposed CTR standards. However, the proposed implementation provisions being developed by the State Water Resources Control Board (SWRCB) will not be available until mid-September, 1997. The few days of possible overlap with a 45-day comment period are insufficient for California municipalities and businesses to assess the economic and environmental impacts of the proposed standards. In our opinion, at least 45 days of overlap are needed.

4. The U.S. EPA has spent more than three years developing the proposed CTR, in part because of its importance. The District believes it is unreasonable to provide only 45 days for the public review and comment on such an important rule, especially in light of both its significant potential economic impacts on the entire State and the unavailability of the SWRCB implementation provisions.

For these reasons, the District urges you to issue a notice extending the review period from 45 days to 90 days.

Response to: CTRE-024-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRE-025-001

Comment Author: East Bay Dischargers Authority

Document Type: Sewer Authority

State of Origin: CA

Represented Org:

Document Date: 07/16/97

Subject Matter Code: B Comment Period

References:

Attachments? N

CROSS REFERENCES

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Comment: The East Bay Dischargers Authority is a joint powers public agency providing wastewater treatment and disposal services for approximately 600,000 people in southern and eastern Alameda County, California. The Authority's members include City of San Leandro, City of Hayward, Oro Loma Sanitary District, Castro Valley Sanitary District, and Union Sanitary District.

The Authority and its member agencies have been following the process of U.S. EPA's development of the California Toxics Rule (CTR) and the State Water Resources Control Board's effort to develop implementation provisions for the CTR. We have been informed that the CTR will be published in the Federal Register late this month, and we are very dismayed by reports that there will only be a 45 day comment period. In addition, the comment period may not overlap with the release of the State Board's implementation provisions.

The Authority and its member agencies request that U.S. EPA allow at least 90 days, and preferably 120 days, for public review of the CTR. The reasons for our request include the following:

1. U.S. EPA has taken more than three years to develop the proposed CTR. It is unreasonable to provide only 45 days for the public to review and comment on the rule, especially considering the fact that the rule and its implementation could have significant economic consequences on the Authority and its member agencies.
2. In order to properly analyze the impacts of the CTR, it is imperative that the State Board's implementation provisions be examined concurrently. Yet the proposed release date of the implementation provisions is September 12, 1997. With a 45 day comment period, there is essentially no overlap, which is unacceptable from a public policy perspective.
3. An economic analysis of the CTR and the implementation provisions must be conducted concurrently. Such an analysis, by the parties most effected, must be allowed adequate time to be both accurate and meaningful. You will recall that the State Plans were invalidated in part because of a poor economic analysis by the State Board. We are skeptical that U.S. EPA and the State Board will have performed the necessary economic analyses and require adequate time to perform them ourselves.

The Authority and its member agencies believe that it is in the best interests of U.S. EPA, the State Board, the regulated community, and the public that the comment period for the CTR be extended to at least 90 days. Your consideration of this request is appreciated. Please feel free to contact me if you have any questions or need additional information.

Response to: CTRE-025-001

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRH-001-002  
Comment Author: Robert Hale  
Document Type: Public Hearing  
State of Origin: CA  
Represented Org: CA Stormwater Task Force  
Document Date: 09/17/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N

#### CROSS REFERENCES

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Comment: That gets me to my next point. We got this thing about two weeks ago here. The task force is struggling on this. Our key people have been working on it around the clock for the last week. I'm looking at Mac Walker; he's been doing that. We really are very pressed by the shortage of the time we've got here. And other people have been asking for this, too.

I think it's only reasonable that we would get more time to look at this, time to perform economic analysis of the impact of this, and have a chance to do a little noodling. Forty-five days would be an absolute minimum extension on this thing.

We've waited a long time to get this. It wouldn't hurt us to extend it just that much longer to be able to look at the issues of this thing, rather than getting the numbers off the back of somebody's envelope.

That's really the last point.

Response to: CTRH-001-002

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRH-001-019a  
Comment Author: Phil Bobel  
Document Type: Public Hearing  
State of Origin: CA  
Represented Org: Tri-TAC  
Document Date: 09/17/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES V

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Comment: MR. BOBEL: Thank you, Steve.

I'm Phil Bobel. I represent Tri-TAC, an organization of sewage treatment plants, the POTWs as we call them, made up of three groups: CASA, the California Association of Sanitation Agencies; the League of Cities; and the California Water Environment Association.

And later this afternoon you're going to hear from Bob Reid who represents CASA. And our comments are essentially the same, so I'm going to not repeat and just summarize a couple things.

I was even going to say you guys had done a really good job. But in light of all the previous speakers, I deleted that part of my testimony.

I will try to be positive and constructive. I promised to do that. In describing the nature of my comments on your little form, I put that I would be constructive. So I will do that.

The first point I'd like to make is positive. I think that the coordination you're doing with the state is great. The fact that we're going to have coordination with the feds focusing on the numeric criteria, the state focus on the implementation policy, working to come up with a system that will serve us all, is a good way to use resources of both organizations.

I applaud you for that and hope you will be able to pull that off. This is different than what we've tried to do before, and it will require some creativity.

One specific thing that I think would help if we did, is to allow all of us to see both what the state is proposing and what the feds are proposing, so we need a little more time in this comment period.

We've appealed before and been told no, but I still put that on the table as a good idea for the ultimate goal of a coordinated, consolidated, as much as possible, federal and EPA approach to this thing.

If you don't do that, or even if you do do that, I think it's going to require some other kinds of creativity as

we move out of -- away from your hearing and toward a final rule.

And in that period of time, I would ask you and the state to sit down together and see what kind of a process you can use to take the comments that you'll hear from your federal regs and the comments you hear on the state plan, and put those together, hear more back from folks that are interested and come up with a package that makes sense.

You're going to need some way of going back to interested parties over a longer period of time -- communicating, coordinating -- and I would refer you to the process that the state used on their task force approach and suggest that we need something like that as we move to the future. Creativity is going to be needed.

Response to: CTRH-001-019a

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRH-001-0211a  
Comment Author: Julio Guerra  
Document Type: Public Hearing  
State of Origin: CA  
Represented Org: City of Merced  
Document Date: 09/17/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES E-01d

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Comment: MR. GUERRA: My name is Julio Guerra with the City of Merced. And in my capacity with the City of Merced, I function as NPDES compliance coordinator and have to directly deal with these issues .

I did serve on the Inland Surface Waters Task force as a POTW representative to the agricultural waters subgroup, and so I am somewhat familiar with the issues at hand.

The first thing I would like to say is that the high-end cost estimated in the economic analysis done in the case study that was part of the California Toxics Rule background work was \$4 million a year, \$13 million capital expense. Characterized in the toxics rule is that the plants, of which Merced was one, was deemed to be representative of the proportionate facilities located within the different California regional water control boards.

Now, if we are representative, then you could assume that a plant such as Merced without a heavy industrial base would be typical of a lot of plants in the state, which would lead to the conclusion that perhaps the \$87 million per year figure was a projection that did not match what could actually happen.

The city of Merced discharges to an ephemeral stream. The effluent is dominated at certain times of year by agricultural waste water, and stormwater-dominated at other times of the year. We provide the only treated water to that stream.

The ephemeral stream is dammed about a half mile further down by a farmer who uses all of the -- as much of the water as he can. He has water rights to about 15 million gallons a day. We can only discharge between 4 and 5 million gallons a day to that stream.

Our operating budget is between 2 and \$3 million a year. If the assumptions were all correct, and we had to -- had to expend an additional \$4 million a year to meet these standards, we would be spending an awful lot of money to take care of our neighbor.

The other side of that issue is that my cursory review of the economic impact work there leads me to observe that certain interpretations of our -- the data were not properly applied. And I would be most willing to work to get a more accurate picture of it to the EPA people.

And it would really take longer than the remaining comment period to do that, and so I would also add my voice to those asking for extension of the comment period.

Response to: CTRH-001-0211a

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRH-001-0211b  
Comment Author: Julio Guerra  
Document Type: Public Hearing  
State of Origin: CA  
Represented Org: City of Merced  
Document Date: 09/17/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES B

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Comment: MR. GUERRA: My name is Julio Guerra with the City of Merced. And in my capacity with the City of Merced, I function as NPDES compliance coordinator and have to directly deal with these issues .

I did serve on the Inland Surface Waters Task force as a POTW representative to the agricultural waters subgroup, and so I am somewhat familiar with the issues at hand.

The first thing I would like to say is that the high-end cost estimated in the economic analysis done in the case study that was part of the California Toxics Rule background work was \$4 million a year, \$13 million capital expense. Characterized in the toxics rule is that the plants, of which Merced was one, was deemed to be representative of the proportionate facilities located within the different California regional water control boards.

Now, if we are representative, then you could assume that a plant such as Merced without a heavy industrial base would be typical of a lot of plants in the state, which would lead to the conclusion that perhaps the \$87 million per year figure was a projection that did not match what could actually happen.

The city of Merced discharges to an ephemeral stream. The effluent is dominated at certain times of year by agricultural waste water, and stormwater-dominated at other times of the year. We provide the only treated water to that stream.

The ephemeral stream is dammed about a half mile further down by a farmer who uses all of the -- as much of the water as he can. He has water rights to about 15 million gallons a day. We can only discharge between 4 and 5 million gallons a day to that stream.

Our operating budget is between 2 and \$3 million a year. If the assumptions were all correct, and we had to -- had to expend an additional \$4 million a year to meet these standards, we would be spending an awful lot of money to take care of our neighbor.

The other side of that issue is that my cursory review of the economic impact work there leads me to observe that certain interpretations of our -- the data were not properly applied. And I would be most willing to work to get a more accurate picture of it to the EPA people.

And it would really take longer than the remaining comment period to do that, and so I would also add my voice to those asking for extension of the comment period.

Response to: CTRH-001-0211b

See response to CTR-021-008.

EPA acknowledges that evaluating the impact of each individual direct discharger to inland waters, enclosed bays, and estuaries within the State of California would be the most accurate method to determine impacts of the CTR. However, the resources that would be required to perform such an analysis for each of the over 1,241 direct dischargers are beyond the resources typically available for development of environmental regulations.

In developing the methodology for estimating the compliance costs for the proposed CTR, time and budget constraints limited EPA's costing review to a subset of the regulated community. However, EPA believes that the sample selected adequately represents the various types of direct dischargers in the State.

EPA acknowledges that minor dischargers were under sampled as compared to the major dischargers. However, by definition, under the NPDES permit program, facilities classified as minor would not be expected to discharge toxic pollutants in toxic amounts. Since the CTR addresses only toxic pollutants, EPA would not expect significant, if any, impact to minor dischargers.

In analyses of the final CTR, EPA increased the sample of minors by five randomly selected facilities to bolster its analysis. EPA estimated costs of \$872 per minor facility under the low scenario, and \$2,682 per minor facility under the high scenario due to the CTR.

EPA also replaced Silvergate with South Bay in the sample in order to improve the estimate of the impacts of the CTR on the electric utility industry. The draft CTR cost analysis included costs for Silvergate, but the facility had closed and the data available was over five years old. The addition of South Bay, an electric utility facility with no costs, to the sample results in a more realistic, lower overall cost estimate for the electric utility industry.



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Comment ID: CTRH-001-035  
Comment Author: Dave Brent  
Document Type: Public Hearing  
State of Origin: CA  
Represented Org: CA Water Qual. Task Force  
Document Date: 09/17/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: And finally, you've heard it brought up before, but I'd like to request an extension of an additional 90 days to provide comments so that we can compare this rule with the state implementing rules which are the Inland Surface waters Plan and the Enclosed Bays and Estuaries state water plan.

Thank you.

Response to: CTRH-001-035

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRH-001-036  
Comment Author: Robert Reid  
Document Type: Public Hearing  
State of Origin: CA  
Represented Org: CASA  
Document Date: 09/17/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: I'm Robert Reid, manager of the Sanitation District of Santa Clara County. I'm here today representing CASA and to present CASA's comments.

CASA is the California Association of Sanitation Agencies and represents more than 80 publicly owned treatment works in the State of California, I'll keep my comments brief as CASA will be submitting detailed written comments prior to the close of the public comment period.

We have four main issues to which we would like to draw your attention today.

First, as has been said many times over today, because the state's Draft implementation Policy was issued only last Friday, the comment period for this proposed rule should be extended by 45 days, or at least 30 days, to allow adequate time for analysis of the proposed rule as it will be implemented by the state.

Our comments are going to focus on the contents of the CTR only and its potential impacts, without consideration for the state's implementation policy and how those may change those impacts, because we have not yet had time to really evaluate the draft implementation policy.

Response to: CTRH-001-036

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRH-001-043  
Comment Author: Charles Batts  
Document Type: Public Hearing  
State of Origin: CA  
Represented Org: Bay Area Dischargers Assc  
Document Date: 09/17/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: MR. BATTS: Thank you.

I'm Charles Batts. I am Plant Operations Department Manager at the Central Contra Costa Sanitary District, a publicly owned treatment works, and I'm here today as chairman for the Bay Area Dischargers Association, a group of the five largest municipal dischargers to the San Francisco Bay, serving approximately three and a half million people. Our goal is only to protect the environment and to provide cost-effective service for our rate payers.

We are very appreciative of the work done by EPA on the California Toxics Rule. I hope my comments today will be of help in developing regulations that will continue to protect the waters of the state, and that everyone can live with.

First, I think I need to get in line and ask as everyone else has and as I asked earlier by letter, for the period of comment to be extended to 90 days.

There is no reason to rush the final version of these rules. The impact of state plans which are already out will not be greatly impacted beyond the extent they already have been. This will allow the state plan to reflect the changes and comments or modifications that may come out of your toxics rule.

Response to: CTRH-001-043

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRH-001-045a  
Comment Author: Charles Batts  
Document Type: Public Hearing

State of Origin: CA  
Represented Org: Bay Area Dischargers Assc  
Document Date: 09/17/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES G-09

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Comment: We would ask the EPA to extend the comment period to encourage further comments.

We would encourage you to look at actual agencies' calculations, that all translators be reviewed to ensure accuracy, even if special studies are required by individual dischargers.

Response to: CTRH-001-045a

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001. In response to the request that we look at actual translators to ensure accuracy in our economic analysis, the economic analysis for the proposed rule and for the final CTR is a broad-brushed analysis. EPA neither had the time nor resources to look at individual translators for individual pollutants for each of the sample facilities used in its analysis. However, where information was available on a particular pollutant and its translator, EPA reviewed the information and considered its application where appropriate.

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Comment ID: CTRH-001-060a  
Comment Author: Ellen Johnck  
Document Type: Public Hearing  
State of Origin: CA  
Represented Org: Bay Planning Coalition  
Document Date: 09/17/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES J-04

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Comment: Secondarily and thirdly -- these two are tied together, the whole -- all our members that comply and have to secure the stormwater permits, we have been looking at how much it would cost us to build facilities to do some kind of end-of-pipe treatment to actually meet some of these numeric criteria for stormwater.

We don't think the economic evaluation that EPA has done is valid. Basically, there are a lot of shortcomings to it, and you have already heard today some of the numbers. The actual amount of money needed to build new facilities is way beyond the \$86 million estimate that you have indicated in your analysis.

And based on this very serious economic evaluation shortcoming, I am recommending that at least a 30-day time limit be provided so that you can hear from the permit applicants regarding the statement to show you what the costs really are, and we'd like some more time to do that.

Those are essentially the substance of my comments today. Thank you.

Response to: CTRH-001-060a

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRH-002-007  
Comment Author: Chris Compton  
Document Type: Public Hearing  
State of Origin: CA  
Represented Org: County of Orange  
Document Date: 09/18/97  
Subject Matter Code: B Comment Period  
References:

Attachments? N

CROSS REFERENCES

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Comment: Conclusion:

In conclusion, we believe that there are significant and fundamental issues associated with the proposed rule that require serious consideration.

We recommend an extension of the public review period for the proposed rule is requested to allow EPA, municipalities, industry, and others to further evaluate the wet weather discharge requirements of the rule and the resulting legal and economic impacts in light of the recently released Inland Surface Waters and Enclosed Bays and Estuaries plans.

Response to: CTRH-002-007

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001. In response to the issue concerning wet weather discharge requirements, the preamble to the proposed CTR had a detailed discussion concerning application of the proposed criteria to wet weather discharges. See the discussion at 62 FR 42186. See also the discussion on wet weather flows in the preamble to the final rule. A complete discussion of wet weather flows and potential economic impacts is also included in this Response to Comments document after the specific comments concerning potential economic impacts from wet weather flows.

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Comment ID: CTRH-002-010  
Comment Author: Lisa Ohlund  
Document Type: Public Hearing  
State of Origin: CA  
Represented Org: Alliance of So. CA POTWs  
Document Date: 09/18/97  
Subject Matter Code: B Comment Period  
References:

Attachments? N

#### CROSS REFERENCES

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Comment: MS. ONLUND: I'm Lisa Ohlund. I'm an associate with the Southern California Alliance, a Publicly Owned Treatment Works. My business address is 30290 Rancho Viejo Road, San Juan Capistrano, 92675. I am here today representing SCAP. SCAP is comprised of 47 public agencies that provide wastewater treatment services in Southern California. Collectively, our member agencies serve over 16 million residents of Southern California. We appreciate the opportunity to testify on the proposed California Toxics Rule.

Before I make any substantive comments, I would like to reiterate the request that EPA extend or reopen the comment period on this CTR for an additional 30 days. We are still reviewing the proposed rule and its potential impacts on Southern Californians POTWs, and I believe that the number of changes proposed to the national water quality criteria and the extensive documentation that accompanies and explains the rule warrants the extension of the comment period.

In addition, as we noted in our letter requesting an extension, we would also appreciate the opportunity to review the CTR in the context of the State Water Resources Board's draft Implementation Policy which was just released last Friday, which I happen to have a copy here.

We're asking for an extension until at least October 27.

Response to: CTRH-002-010

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRH-002-021a

Comment Author: Ing-Yig Cheng

Document Type: Public Hearing

State of Origin: CA

Represented Org: L.A. Bureau of Sanitation

Document Date: 09/18/97

Subject Matter Code: B Comment Period

References:

Attachments? N

#### CROSS REFERENCES V

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Comment: As you are aware, the California Policy for Implementation of Toxics Standards for Inland Surface Water, Enclosed Bays, and Estuaries of California, the proposed policy, was issued a few days ago. EPA and State essentially had the same objective to establish water quality criteria that are implementable for the water of California. Therefore, it is necessary for regulators and dischargers alike to fully comprehend the consequences of these rules on similar issues but from perhaps a different perspective.

Consequently, we strongly urge EPA to allow for additional 30 days for you and for us to fully review both documents together. We also urge EPA and State to coordinate these two rule-making process to minimize inconsistencies that might otherwise occur, EPA is the final focal point of this concern because

the process of State's obtaining EPA approval of ISWP and EBEP will be greatly enhanced if EPA and State can work together; and without EPA's approval, State's plan will be no good. So I think it will be ideal if CTR and the State's proposed policy can be promulgated simultaneously.

Thank you again for the opportunity to address you.

Response to: CTRH-002-021a

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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Comment ID: CTRH-002-027  
Comment Author: Fred Jacobsen  
Document Type: Public Hearing  
State of Origin: CA  
Represented Org: San Diego Gas & Electric  
Document Date: 09/19/97  
Subject Matter Code: B Comment Period  
References:  
Attachments? N  
CROSS REFERENCES

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Comment: MR. JACOBSEN: Hi, Fred Jacobsen. I'm here representing San Diego Gas & Electric. My comments, just purely process. Then I would just request that due to the volume of information that relates to the proposed rule and the fact that the State Water Board implementation policy was just released that the comment period be extended on the comment on the CTR rule for at least a minimum of 30 days. Thank you.

Response to: CTRH-002-027

In response to the comment requesting an extension of the comment period, please refer to response to CTR-001-001.

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